

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1723 of 2017

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Tanzeem Ahmad, aged about 35 years, son of Late Aminuddin, resident of Village- Khas Gangi, P.O.- Gangi, P.S.- Bahadurganj, District- Kishanganj, at present posted as teacher in Madarsa Ashraful Uloom, Auji, Gachhalta Bari, P.O. Gangihat Bahadurganj, Distt.- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Vikas Bhawan, Patna.
2. The Special Director, Secondary Education, Vikas Bhawan, Patna.
3. District Education Officer, Kishanganj. District- Kishanganj.
4. District Programme Officer (Establishment), Kishangaj
5. Md. Siddique, Secretary of the Managing Committee of Madarsa Ashraful Uloom, Auji, Gachhalta Bari, P.O. Alta Bari, Distt.- Kishanganj
6. Naushad Alam, Incharge Head Maulvi for payment of Salary of Teachers of the said Madarsa.
7. Chairman, Bihar State Madarsa Education, Board, Patna, Vidyapati Marg, Patna.
8. The Secretary, Bihar State Madarsa Education, Board, Patna, Vidyapati Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alim Jang Khan, Advocate

For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG- 15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioner and the respondents.

In view of the factual controversy involved in the present writ application, no positive order can be passed in the present writ application. However, liberty shall be available to the petitioner to approach the respondent nos. 6, 7 and 8 for redressal of his grievance. In the event, the respondent nos. 6, 7 and 8 find substance in the claim of the petitioner for payment of salary on



account of valid appointment, then the respondent nos.6, 7 and 8 will take step to ensure payment of salary and after due scrutiny, if there is any impediment in payment to petitioner after decision of respondent nos. 6 to 8, the petitioner may approach the respondent no.3, who will take appropriate step in compliance of payment of salary to the petitioner.

It is made clear that this Court has not expressed any opinion on the merit of the claim of the petitioner and it shall be the obligation of respondent nos. 6, 7 and 8 to examine the relevant records with regard to requirement of law in the matter of appointment and approval of service of the petitioner and only after verification of the facts as to the legality and validity of the appointment of the petitioner, the respondents are required to take steps for payment of salary to the petitioner. The final decision must be taken by the respondents within a maximum period of four months from the date of filing of representation along with a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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