

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4280 of 2017

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Anjana Kumari, Wife of Sri Anil Mani Tripathi, Resident of Village & P.O.-
Jayjor, P.S. Aandar District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Human Resources Development Department, Govt of Bihar, Patna
2. The District Magistrate, Siwan.
3. District Program Officer, Siwan
4. Block Development Officer, Aandar Siwan,
5. Block Education Officer, Aandar Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Advocate
		Mr. Uday Bhan Singh, Advocate
For the Respondent/s	:	Mr. Arvind Kumar-GP23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 08-03-2018 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

Mr. Bindhayachal Singh, learned counsel appearing on behalf of the petitioner with reference to Annexure-4 submits that after due enquiry the District Programme Officer (Establishment), Siwan has issued letter No. 4609 dated 1.11.2016 wherein the Block Education Officer, Andar, Siwan was directed to ensure payment of salary to the petitioner Anjana Kumari notwithstanding such direction by the District Programme Officer, Siwan yet petitioner was not paid salary and as such she was constraint to file writ petition.

On behalf of the respondent no.3, the District Programe



Officer, a peculiar stand has been taken in the counter affidavit in para-7 that the petitioner has not availed the remedy by filing appeal before the Teachers Appellate Authority.

Para-7 of the counter affidavit reads as follows:-

7. 'That it is submitted that for redressal of all sorts of grievance pertaining to panchayat teachers/Prakhan teachers; there is statutory remedy of moving before the District Teachers Appellate Authority hence the appropriate remedy for the petitioner would lie before the said appellate authority this Hon'ble Court without availing the said statutory remedy.'

In para-8 referring to information gathered from the Block Education Officer, stand has been taken that the petitioner has obtained secondary education qualification from Board of Higher Secondary Education, New Delhi.

On the basis of Annexure-A an order passed by a coordinate Bench of this court in C.W.J.C. No. 21035 of 2013 dated 5.12.2014 an impression was created that the petitioner has obtained degree which according to the order contained in (Annexure-A) is forged.

Mr. Bindhyachal Singh in reply submits that respondents have misread the order contained in Annexure-A. Neither the petitioner in the present writ application was a party in



Annexure-A nor the petitioner has obtained degree from the Board of Higher Secondary Education, New Delhi.

Mr. Singh placed reliance on the Annexure-6 which indicates that the petitioner has obtained intermediate degree from Bihar Intermediate Council, Patna and not from the Board of Higher Secondary Education, New Delhi. He also refers Annexure-7 where the Block Education Officer has recommended in favour of the petitioner.

In view of Annexure-6 and 7, the court is of the considered view that the respondents have not applied their mind to the documents available in the matter on verification of genuineness of the certificate of the petitioner. The Annexure-6 and 7 is clinching on the point that the degree of the petitioner was from Bihar Intermediate Education Council, Patna and not from the Board of Higher Secondary Education, New Delhi.

Under the aforesaid circumstances, the respondents are directed to rectify the mistake in the matter treating the certificate of the petitioner obtained from the Board of Higher Secondary, New Delhi and appropriate remedial action may be taken by the respondents to ensure payment of salary to the petitioner.

The decision in this regard must be taken within a period



of sixty days from the date of receipt/production of a copy of this order.

The arrears and current salary has to be examined and worked out by the respondents and paid to the petitioner within the time frame indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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