

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.314 of 2018

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Md. Murtaza Son of Saukat Ali Resident of Village - Islampur, P.O. - Mohni,
P.S. - Nanpur, District – Sitamarhi. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
 2. The Principal Secretary, Education Department, Government of Bihar, Patna.
 3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
 4. The District Education Officer, Sitamarhi, District - Sitamarhi.
 5. The District Programme Officer (Establishment), Sitamarhi, District - Sitamarhi.
 6. The Block Education Officer, Nanpur, District - Sitamarhi.
 7. The Panchayat Secretary, Gram Panchayat, Rajmohani, P.S. - Nanpur, District - Sitamarhi.
 8. The Mukhiya of Gram Panchayat Rajmohani, P.S. Nanpur, District – Sitamarhi. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. Narendra Kumar, AC to GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 30-03-2018 Heard leaned counsel for the petitioner and the State.

The petitioner has filed the present writ application for a direction to the respondents to make payment of salary for the period April 2009 to 31 January 2017 in view of the order dated 20.12.2016 passed in CWJC No. 8297 of 2010, contained in annexure-1 to the writ petition.

On behalf of respondents a counter affidavit has been filed, in paras 7 to 9 of which they have admitted the claim of the petitioner.

In view of the above the respondents are directed to make payment of salary to the petitioner which they have



admitted in paras 7 to 9 of the counter affidavit.

So far as the back wages are concerned, for the period the petitioner was restrained from working, learned counsel for the petitioner submits that the writ court, vide order dated 20.12.2016 passed in CWJC No. 8297 of 2010, as contained in annexure 1, restored the petitioner to the post which follows as a matter of corollary that the petitioner on restoration of his service, would be entitled to payment of back wages as normally the back wages are admissible on restoration. In the instant case when the writ court used an expression “restored to the post” it is implied that the petitioner is restored with all consequential benefits.

Accordingly, the respondents are hereby directed to work out the entitlement of back wages in the light of annexure 1 within a period of 60 days from the date of receipt/production of a copy of this order in addition to the admitted claim for payment of arrears of salary.

With the aforesaid the writ petition stand allowed and disposed of.

(Anil Kumar Upadhyay, J)

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