

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11609 of 2016

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1. Dharmendra Prasad Son of Sri Mahajan Prasad Resident of Village +
P.O. - Bhitbherwa, P.S. + District - Gopalganj, At present posted and
working as Panchayat Teacher in Primary School Barhaitha Visa, Block -
Kuchaikote, District – Gopalganj Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources
Development Department, Govt. of Bihar at Patna.
2. The Director, Primary Education, Govt. of Bihar at Patna
3. The District Magistrate, Gopalganj, District - Gopalganj.
4. The District Education Officer, Gopalganj, District- Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj, District -
Gopalganj.
6. The Block Education Officer, Kuchaikote, District - Gopalganj.
7. The Panchayat Secretary, Gram Panchayat Raj Bhopatpur, Block -
Kuchaikote, District - Gopalganj.
8. The Mukhiya, Gram Panchayat Raj, Bhopatpur, Block - Kuchaikote,
District – Gopalganj Respondents

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Appearance :

For the Petitioner : Mr. Gyan Prakash, Adv.
For the Respondents : Mr. Vishambhar Prasad, AC to AG V

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 05-02-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The grievance of the petitioner in the present writ application is with regard to non-payment of salary since 03.07.2012. The learned counsel for the petitioner has drawn the attention of the Court to letter no. 2254/Gopalganj, dated 07.06.2013, as contained in Annexure 1, and letter no. 2869, dated 15.09.2014, to indicate that the District Programme Officer (Establishment), Gopalganj, has already issued direction to the Panchayat Sachiv and Mukhiya, Kuchaikote, but, due to the reluctant attitude of the Panchayat Sachiv and Mukhiya of the concerned Panchayat, petitioner is not getting salary.



In view of the aforesaid, the writ application is **disposed of** with a direction to the respondent-District Magistrate, Gopalganj, who shall cause enquiry in the matter and fix accountability on the erring officials for whose lapse petitioner was deprived of his salary, such exercise must be concluded within a period of two months and the District Magistrate, Gopalganj, will ensure payment of salary of the petitioner by issuing appropriate direction to the District Programme Officer (Establishment), Gopalganj, as well as Panchayat Sachiv and Mukhiya, Kuchaikote.

It is made clear that this Court has not expressed any opinion with regard to illegality and validity of the appointment of the petitioner and it is the obligation of the respondents to examine the relevant record to ascertain the validity of the appointment as well as the fact whether petitioner has worked during the period for which he is claiming salary.

(Anil Kumar Upadhyay, J)

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