

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17971 of 2016

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Madhurendra Kumar, Son of Shri Mithilesh Singh, resident of Village-Itharwa, Police Station Kanhauli, District- Sitamarhi at present Security/Night Guard, Upgraded High School/Night Guard, Upgraded High School Itharwa, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Secondary Education) Education Department, Government of Bihar, Patna.
3. The District Education Officer, Sitamarhi.
4. The Incharge Headmaster, Upgraded High School Itharawa Police Station-Kanhauli, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Sagar Singh, Advocate
For the Respondent/s	:	Mr. Narendra Kumar, AC to GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 12-02-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Counsel for the petitioner submits that the grievance of the petitioner in the present writ petition is non-grant of honorarium since December, 2014 although the petitioner has been regularly discharging his duty.

On behalf of the respondents, a counter affidavit has been filed today without fixing the welfare stamp. Learned counsel for the respondents undertakes to file the same during the course of the day.



In view of the above, the writ petition is disposed of with a direction to the respondents to take final decision in the light of Annexure-R3/6 to the counter affidavit wherein the respondent-District Programme Officer, Sitamarhi has issued direction to the Headmaster of the school in question for payment of due honorarium to the petitioner. Paragraph Nos. 10 and 11 of the counter affidavit reads as follows:

“10. That in light of his letter dated 15.12.2016 respondent No. 3 again wrote a letter to Head Master through his letter No. 253 dated 30.01.2017 and directed to Head Master to pay honorarium of night guard within 3 days on the basis of available records. Photo copy of letter No. 253 dated 30.01.2017 as annexed herewith and marked as Annexure R3/6 to this counter affidavit.

11. That the direction of letter No. 253 dated 30.01.2017 Head Master replied on 10.02.2016 that Chairman of managing committee is not here after his arrival. A general meeting will be call and according to resolution of committee honorarium will pay or not decision will take.”

In view of the statements made in para Nos. 10 and 11 of the counter affidavit and Annexure R3/6, the writ petition is disposed of with a direction to the respondent-District Education Officer as well as the respondent-Head Master of the school to ensure



payment of unpaid honorarium to the petitioner within a maximum period of 60 days from the date of production/receipt of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2018
Transmission Date	

