

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7735 of 2015

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Guddu Kumar, son of Brijnandan Pandit, resident of village Chainpur, Post
Office Mitanchak, Police Station- Gourichak, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, New Secretariat Building, Bailey Road, Patna- 800001
2. The Principal Secretary, Education Department, Government of Bihar, New
Secretariat Building, Bailey Road, Patna- 800001.
3. The District Magistrate, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer, Establishment, Patna.
6. The District Panchayati Raj Officer, Patna.
7. The Block Development Officer, Sampatchak Block, District Patna.
8. The Block Education Officer, Sampatchak Block, District Patna.
9. The Gram Panchayat Chipura Khurd, Sampatchak Block, District Patna.
10. The Mukhiya, Gram Panchayat Chipura Khurd, Sampatchak Block, District
Patna.
11. The Panchayat Secretary, Gram Panchayat Chipura Khurd, Sampatchak
Block, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Advocate
For the Respondent/s : Mr. Rajeev Shankar, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 28-11-2018

The present writ application involves the issue of
payment of arrears of salary as well as current salary since
September, 2009.

2. The issue of payment of salary shall require
verification of record and the District Programme Officer
(Establishment), Patna is the custodian of those documents or the
Employment Unit.



3. Under the aforesaid circumstances, instead of keeping the matter pending, the writ application is disposed of with a direction to the District Programme Officer (Establishment), Patna to verify the record to ascertain whether the appointment of the petitioner is legal and valid and the petitioner on the basis of valid appointment discharged the responsibility as a Teacher. The respondent District Programme Officer (Establishment), Patna is obliged to ensure payment of salary for the period the petitioner has actually worked.

4. The respondent District Programme Officer (Establishment), Patna is hereby directed to complete the process of verification and ensure payment of salary within a maximum period of three months from the date of receipt/production of a copy of this order. Delay in deciding the claim of the petitioner and making payment may entail 9% interest from the date of its accrual till the date of its actual payment, which shall be born out by the officials of the Education Department.

5. The stand of the respondents that the petitioner's appointment was invalid. Learned counsel appearing on behalf of the petitioner in reply submits that the order of the District Superintendent of Education has been quashed by this Court and in that view of the matter the District Programme Officer



(Establishment), Patna (substitute of District Superintendent of Education) is required to take fresh decision as to the legality and validity of the appointment of the petitioner.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2018.
Transmission Date	

