

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11834 of 2015

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Yashwant Kumar Son of Late Laxman Choudhary, Resident of Village -
Amuaon, P.O. Natwar, P.S. - Dinara, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Education Officer, Rohtas at Sasaram.
5. The District Programme Officer (Establishment), Rohtas at Sasaram.
6. The Block Education Officer, Dawath, District - Rohtas.
7. The Headmaster, Primary School, Chhitani, P.S. - Dawath, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudama Singh, Advocate Mr. Rajani Kant Singh, Advocate
For the State	:	Mr. Raghwendra Kumar, SC 22

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-11-2018 The petitioner is aggrieved by non-payment of salary
for the period the petitioner was denied joining and posting.

Learned counsel for the petitioner would submit that
for the period 28.7.2009 to 11.9.2013, the petitioner had to
move from pillar to post for his joining and posting but the
respondents had turned down the legitimate grievance of the
petitioner and ultimately after the intervention of this Court in
CWJC No. 2533 of 2010, the respondents have allowed the
petitioner to join. Referring to the aforesaid circumstances
learned counsel for the petitioner would submit that for the fault
of the respondents in delayed acceptance of joining and posting,



the petitioner cannot be made to suffer non-payment of salary for the period he was arbitrarily denied joining.

Considering the totality of the fact situation and for balance of equity the Court is of the considered view that petitioner shall be entitled to counting his seniority with effect from 28.7.2009 and the benefit of increment may be extended to the petitioner treating his date of entry in service as 28.7.2009. However, the Court is not inclined to grant relief as to payment of salary for the period prior to the date of actual joining of the petitioner.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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