

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4020 of 2016

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Rameshwar Rishiyasan, Son of Late Munshi Rishiyasan, Resident of village -
Khudua, P.O. Lakhaipur, P.S. Mohanpur, District – Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gaya.
3. The District Education Officer, Gaya.
4. The Block Extension Education Officer, Mohanpur, District – Gaya.
5. The Headmaster, Middle School, Khudua, P.O. Lakhaipur, P.S. Mohanpur,
District – Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.
Ms. Basanti Kumari, Adv.

For the Respondent/s : Mr. Harish Kumar, GP-8
Mr. Binod Kumar Sinha, AC to GP-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-02-2018

Heard Mr. Anil Kumar Saxena, learned counsel appearing for
the petitioner and Mr. Binod Kumar Sinha, learned Assisting Counsel to
Government Pleader No.8 for the State.

In this writ petition two-fold prayer has been made by the
petitioner namely:

(a) To appoint the petitioner as Tola Sevak for Village-
Khudua, PO- Lakhaipur under Block Mohanpur in the
district of Gaya; and

(b) None-payment of remuneration for the period December,
2010 and January, 2011.

Annexure 1 to the writ petition is an appointment letter and
engages the petitioner on the post of Tola Sevake for the Tola in question
for a period of one year beginning from 5.1.2010.



According to the petitioner he has worked from January, 2010 to January, 2011 and although he has been paid remuneration from January, 2010 to November, 2010 but the remuneration for the months of December, 2010 and January, 2011 is yet pending. He thus while making prayer for payment of balance remuneration, also makes prayer for re-employment.

Having heard learned counsel for the parties and considering the nature of employment which is contractual and has expired way back in January, 2011 this Court is not persuaded to grant any indulgence in so far as the prayer of the petitioner for re-employment is concerned. However, in so far as the prayer for non-payment of remuneration is concerned, this Court would direct the Block Extension Education Officer, Mohanpur, District- Gaya to consider the grievance of the petitioner as regarding the non-payment of remuneration for the months of December, 2010 and January, 2011 and dispose of the same in accordance with law within a period of three months from the date of receipt/production of a copy of this judgment.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12-2-2018
Transmission Date	NA

