

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 636 of 2015

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Rita Kumari Daughter of Alam Rai, Resident of Village-Sihrol, P.S.-Baliya Belon,
District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The District Education Officer, Katihar.
4. The District Programme Officer, (Saksharta) Katihar.
5. The Block Education Officer, Kadwa, District-Katihar.
6. The Head Master, Upgraded Middle School Sihrol, Kadwa, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the State : Mr. A. K. Sinha, G.A. 1

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 09-01-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court seeking payment for having worked as *Tola Sevak*. As per the stand taken in the counter affidavit by the State authorities, a post on which the petitioner is said to have worked was never sanctioned and, thus, there is no question of making payment. It has further been stated that the concerned Headmaster in collusion has granted appointment letter to the petitioner and, thus, against him orders have been issued for starting departmental proceeding.

3. Having regard to the aforesaid, the Court is not in a position to pass any order. If the post never existed and just because



of mischief played by the Headmaster, the State exchequer cannot be burdened for payment. However, if the Headmaster has taken work from the petitioner, it is the personal responsibility of the Headmaster alone to compensate for the same. If so advised, the petitioner may move before the appropriate forum seeking payment from the person who has taken work from him of any amount which he may deem fit and proper to claim.

4. Accordingly, the writ petition stands disposed off with the observations aforesaid.

(Ahsanuddin Amanullah, J.)

P. Kumar

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