

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6767 of 2016

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Md. Mustkim, Son of Late Jainul, resident of Village: Mirzapur, P.O.-
Dariyapur, P.S.- Muffasil, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department
Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Munger.
3. The District Programme Officer (Establishment), Munger.
4. M.W.E. High School, Munger, P.O., P.S. and District:- Munger, through
its Secretary.
5. Headmaster, M.W.E. High School, Munger, P.O., P.S. and District:-
Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Ravi Kumar, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 05-02-2018 Heard learned counsel for the petitioner and State.

From perusal of the counter affidavit, it appears that serious charges have been leveled against the petitioner and he has been subjected to a proceeding. From the materials on record, it is evident that the decision has been taken for removal of the petitioner.

Learned counsel for the petitioner submits that till such time order for removal of the petitioner has not been passed, the petitioner is entitled to salary for the period he has worked.

In view of the nature of controversy involved in the writ application, the writ application is disposed of with liberty to



the petitioner to file representation before the Director, Primary Education, who shall examine the claim of the petitioner for payment of salary, if the petitioner has worked and he was not terminated/removed or in any manner restrained from discharging the duty, the decision in this regard must be taken considering the totality of the facts situation within a period of one month from the date of receipt/production of a copy of this order.

It is made clear that this Court has not expressed any opinion on the merit of the case and it is up to the respondents to take final decision in accordance with law after verifying the relevant records.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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