

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8931 of 2015

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Suryanath Pandey, Son of Late Ram Kripal Pandey, Resident of Village-
Baluwa, P.O.- Baluwa, P.S. Krishnagarh (Barhara), District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Human Resources Department
Govt. of Bihar, New Secretariat, Patna.
2. The Director, Education department, New Secretariat, Bihar, Patna.
3. The District Education Officer, Rohtas.
4. The Head Master, Baldeo Uchcha Vidyalaya, Dinara, District- Rohtas. null
null

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Debanjan Chowdhary, Advocate
For the Respondent/s	:	Mr. Dhurjoti Kumar Prasad, GP 14

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2018 Heard learned counsel for the parties.

On perusal of the counter affidavit it appears that most of the grievance of the petitioner has been redressed. The only issue which requires consideration as to whether the petitioner has actually worked during the period of strike, i.e. 06.02.1999 to 07.05.1999. Whether the petitioner has worked or not during the period in question that can only be verified from the attendance register which is in the custody of the respondents.

Accordingly, the Court directs the respondents to take appropriate decision on verification of the attendance register afresh to ascertain whether the petitioner participated in the



strike or during the strike he has performed duty. Necessary decision on fresh verification of the attendance register for the period, i.e. 06.02.1999 to 07.05.1999, may be taken by the respondents at the earliest, preferably within a period of three months from the date of receipt/production of a copy of this order. In the event on verification of the attendance register the respondents arrive at a finding that the petitioner has actually worked it is the solemn duty of the respondents to make payment for the aforesaid period. The technical issue as to non-challenge of the order rejecting the claim of the petitioner will not come in the way of the respondents to take a fresh decision after affording opportunity of hearing within the time frame of four months as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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