

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8827 of 2016

Chandreshwar Prasad Thakur S/o Late Dina Thakur Resident of village -
Simra, P.O. Srikant, P.S. Piya, Distt. - Muzaffarpur Retired Headmaster, Sri
Krishna Sanskrit Madhyamic Vdyalaya, Simra

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Education, Bihar, Patna
2. The Special Director, Secondary Education, Bihar, Patna
3. The Chairman, Bihar Sanskrit Shiksha Board, Bihar, Patna
4. The Secretary, Bihar Sanskrit Shiksha Board, Bihar, Patna
5. The Managing Committee through its Secretary, Sri Krishna Sanskrit Madhyamic Vidyalaya, Simra, Muzaffarpur
6. The D.E.O., Muzaffarpur
7. The D.P.O. Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.P. Sinha, Advocate
For the Respondent/s	:	Mr. Rakesh Singh, Advocate
For the Board	:	S.S. Sundram, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-03-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State as well as Mr. Satyam Shivam Sundram, learned counsel appearing on behalf of the Sanskrit Shiksha Board.

The present writ application was filed by the petitioner on 17.5.2016 after service of two advance copies to the office of advocate general but neither counter affidavit was filed nor was grievance of the petitioner was redressed by the respondents.

Petitioner is aggrieved on account of non-payment of salary from 3.8.2013 to 28.2.2015.



Mr. Satyam Shivam Sundram submits that in the matter of payment, the D.E.O. is supposed to pass appropriate order. The Sanskri Shiksha Board has absolutely no role to play in relation to the grievance of the petitioner.

Considering the fact that the writ petition remained pending more than one and half years but no action was taken by the respondents towards redressal of the grievance of the petitioner even minimum courtesy was not shown to this court by filing counter affidavit.

Under the aforesaid circumstances, the court is constrained to dispose of the writ petition with direction to the respondent no.6 the District Education Officer, Muzaffarpur who shall examine the claim of the petitioner objectively and on verification of the record, if it is found that the petitioner is entitled to payment of salary from 3.8.2013 to 28.02.2015, necessary order for payment of salary must be passed by the respondent District Education Officer one way or the other within a period of sixty days from the date of receipt/production of a copy of this order.

It is made clear that the order regarding payment has to be made on verification of the record and those records are supposed to be in the custody of the respondent authorities and



as such the District Education Officer will enquire into the matter and take final decision as to the entitlement of the petitioner.

In the event, the claim of the petitioner is found justified not only necessary order for payment is required to be made but actual payment is also required to be ensured by the respondent no.6 and if there is delay in settling the dues of the petitioner, the unpaid salary will carry interest at the rate of 9 per cent from the date of 3.8.2013 to the date of actual payment and the interest component shall be realized from the officers responsible for delay in deciding the entitlement of the petitioner, the District Education Officer is required to fix accountability on the erring officer after giving opportunity of hearing within the time frame indicated hereinabove before realizing interest part from such erring officers.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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