

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15347 of 2014

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1. Ritesh Kumar, S/o Late Surendra Singh, Resident of Village-Mohammadpur, Nirmal Tola, P.S. Barauli, District Gopalganj.
 2. Yashwant Prasad Patel, S/o Lalan Prasad, Resident of Village- Jokaha, P.S. Barauli, District Gopalganj.
 3. Kumari Punam Gupta, W/o Dhananjay Prabhakar @ Dhananjay Kumar, Resident of Village- Barauli, P.S. Barauli, District Gopalganj.
 4. Sudhir Kumar Yadav, S/o Vihay Kumar Yadav, Resident of Village- Pipra, P.O. Sarcya Narendra, P.S. Barauli, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Govt. of Bihar, Patna.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shafiur Rahman, Advocate

For the Respondent/s : Mr. Mahtab Alam, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 06-09-2018

Heard learned counsel for the petitioners and State.

2. The present writ application involves the issue of validity of appointment and payment of salary commensurate with the status of the petitioners.

3. This writ application has been filed after service of two advance copies on 04.09.2014 to the office of Advocate General, but unfortunately even after four years, the respondents have not filed counter affidavit.

4. Under the aforesaid circumstances, instead of



keeping the matter pending, the writ application is disposed of with a direction to the respondent District Programme Officer (Establishment), Gopalganj to examine the validity of the appointment of the petitioners and whether the petitioners have actually worked for the period they are claiming salary on the basis of valid appointment or not? In the event, it is found that the petitioners' appointment are valid and they have actually worked for the period they are claiming salary, the respondent District Programme Officer (Establishment), Gopalganj is required to ensure payment of salary for the period the petitioners have actually worked.

5. Final decision in this regard must be taken by the respondent District Programme Officer (Establishment), Gopalganj within a maximum period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2018
Transmission Date	

