

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9354 of 2016

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Md. Shabbir Alam @ Md. Shabbir Raen son of Md. Shamim Ahmad @ Md. Shahid, resident of Village- Madhepura Ward No.8, P.O.- adarshnagar, P.S. +District- Madhepura Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
 2. The Director, Primary Education, Government of Bihar, Patna.
 3. The Director, Sarv Shiksha Abhiyan, Department of Education, Government of Bihar, Patna.
 4. The Regional Deputy Director of Education, Koshi Division, Saharsa. null null
 5. The District Magistrate, Madhepura.
 6. The District Education Officer, Madhepura
 7. The District Programme Officer (Secondary Education and Literacy), Madhepura
 8. The Headmaster, Urdu Primary School, Madhepura, Ward No. 8, P.S. +District Madhpura.
 9. Najma Nasrin W/o not known to the petitioner, Shiksha Sevi of Ward No.8, Adarsh Nagar, P.S.+District- Madhepura. Respondent/s
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Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Respondent/s	:	Mr. Kumar Alok, Advocate
		V. Bharti, AC to SC-7
For respondent BEPC	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Matter relates to payment of honorarium.

There is a dispute whether the petitioner will continue or not.

Learned counsel appearing on behalf of the State submits that petitioner has been removed and in his place respondent no.9 has been engaged and as such petitioner is not entitled to payment of any honorarium.

Learned counsel for the petitioner submits that neither



respondents have placed on record the order of termination nor any material was placed by way of counter affidavit to indicate that in place of the petitioner respondents no.9 has been engaged. However, respondents have not placed on record the termination letter.

Mr. Girijesh Kumar, learned counsel appearing on behalf of the respondents submits that in matter of tenure appointment on honorarium basis, no relief can be granted by this court.

Without going into the controversy whether the petitioner is entitled to payment of honorarium or he has been removed or not, the writ petition is disposed of with direction to the respondent, District Programme Officer (establishment) who shall enquire into the claim of the petitioner and pass reasoned and speaking order after hearing the respondent no.9.

It is made clear that this court has not expressed any opinion on the merit of the claim as to the payment of honorarium or his continuity on the post in question. The entire exercise must be taken by the respondents within a maximum period of sixty days from the date of receipt/production of a copy of this order.

Ravi/-

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(Anil Kumar Upadhyay, J)

