

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13436 of 2015

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Sima Kumari, Wife of Raj Kumar, Resident of village - Majhawaliya, P.O.
Hatimpur, P.S.- Jamo Bazar, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Executive Officer cum Block Development officer, Goreakothi, District Siwan
3. The District Superintendent of Education, District - Siwan
4. The Block Education Officer, Manjawaliya, Block - Goreakothi, District - Siwan
5. The Head Master, New Primary School, Makhua, Block - Goreakothi, District - Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Respondent/s : Mr. Manoj Kumar, AC to GP- 24

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 29-11-2018

Heard learned counsel for the petitioner and the respondents.

2. The issue with regard to payment of salary requires factual enquiry as to the validity of the appointment and whether the petitioner has actually worked for the period petitioner is claiming salary or not?

3. Factual enquiry as to the validity of the appointment can appropriately to be done by the District Programme Officer (Establishment), Siwan.

4. Accordingly, the writ application is disposed of with a direction to the District Programme Officer (Establishment),



Siwan to verify the record to ascertain whether the appointment of the petitioner is legal and valid and if the appointment of the petitioner on verification is found to be valid, he has to ascertain whether the petitioner has actually worked for which the petitioner is claiming salary.

5. In the event, it is found that the petitioner has actually worked for the period he is claiming salary, the District Programme Officer (Establishment), Siwan is under obligation to ensure payment of salary to the petitioner for the period he is claiming salary on the basis of valid appointment within a maximum period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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