

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13840 of 2015**

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Surekha Sinha, W/o Umesh Narayan Sinha, R/o Village Bahadurpur, P.O. Bahadurpur, P.S. Zero Mile, District Bhagalpur at present residing Mehta Traders, Sabour, P.S. Zero Mile, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director (Education) Bhagalpur Division, Bhagalpur.
5. The District Education Officer, Bhagalpur, District Bhagalpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Advocate  
For the Respondent/s : Mr. Kishore Kumar Sinha, AC to GP-22

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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 grievance of the petitioner in the present writ application is non-payment of salary for the period 16.06.1996 to 27.09.1997.

3. Learned counsel appearing on behalf of the petitioner submits that for the aforesaid period when the was waiting for posting, denial of salary is not justified.

4. Despite service of two advance copies of the writ application, the respondents have not filed any counter affidavit, the writ application is disposed of with a direction to the



respondents to verify the record and if it is found that the petitioner was waiting for posting for the aforesaid period, the respondents are required to ensure payment of salary, as the petitioner cannot be made to suffer on account of their indecisiveness and consequently petitioner remain waiting for posting.

5. Under the aforesaid circumstances, the District Education Officer, Bhagalpur is hereby directed to take appropriate decision on verification of record and if it is found that the petitioner was waiting for posting during 16.06.1996 to 27.09.1997, he shall ensure payment of salary for the aforesaid period 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)**

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| AFR/NAFR          | NAFR       |
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