

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17239 of 2014

Md. Shahnawaz Alam S/o Md. Zaffaruddin Resident of Village Sabutar, P.O. Kajha, P.S. K. Nagar, District Katihar. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director (Primary Education), Human Resources Development Department, Bihar, Patna.
3. The District Magistrate, Purnea.
4. The District Education Officer, Purnea.
5. The District Programme Officer, Purnea.
6. The District Teachers Employment Appellate Authority, Purnea through its Member.
7. The Block Development Officer, K. Nagar, District Purnea.
8. The Block Development Officer, K. Nagar, District Purnea.
9. The Panchayat Secretary, Ganeshpur Panchayat, K. Nagar Block, Purnea.
10. The Headmaster, Prathmic Vidyalaya, Karua Rahika, K. Nagar Block, Purnea. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman, Advocate
For the Respondent/s : Mr. Sc17- Arvind Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-08-2018 Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Learned counsel submits that the respondents have arbitrarily denied salary to the petitioner taking plea of no work no pay. He submits that termination of the petitioner was based on the basis of erroneous fact and as such the respondents have rectified their mistake and thereafter petitioner was reinstated, he further submits that after reinstatement of the petitioner respondents are taking plea of no work no pay which is inadmissible.

The issue of no work no pay would attract in the situation where the teachers have voluntarily not discharged



responsibility, it is not attracted in the situation when the mistake was committed by the respondents and they rectified their mistake and reinstating the petitioner and as a result of mistake of respondents petitioner was not allowed to work.

Learned counsel further submits that despite the direction of the Tribunal the petitioner was not reinstated. He approached the High Court and thereafter respondents have reinstated the petitioner in compliance of the direction passed in C.W.J.C. No. 23421 of 2012.

Considering the totality of the fact situation, the respondents are hereby directed to ensure payment of 50% salary for the period of 12.07.2007 to 09.04.2014 within a maximum period of four months from the date of receipt/production of a copy of this order as respondent cannot take advantage of their own mistake. In the totality of the facts situation and in order to balance the equity, the Court directs payment of 50% salary for the aforesaid period.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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