

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4960 of 2011

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Shatrughna Upadhyay S/O Late Awadh Bihari Upadhyay Working As Peon At
High School Bajitpur, Parsa, Saran Resident Of Village Dhorlahi, Abhiman
P.O. Sonha (BHATHA), P.S. Amnaur, District Saran.

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Secretary Human Resource And
Development Department, Government Of Bihar, New Secretariat, Patna.
2. The Director Secondary Education, Government Of Bihar, New Secretariat,
Patna.
3. The District Education Officer, Saran At Chapra.
4. The Headmaster, High School, Bajitpur Parsa, District Saran (CHAPRA).
5. Sri Awadhesh Singh, Ex Headmaster, High School Bajitpur, Parsa Resident
Of Village, P.O. Sonhokaithal, P.S. Amnaur, District Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Parmatma Singh, Advocate
For the State	:	Mr. Manoj Kumar Ambastha, SC-26 Mr. Tripurari Nath Ambastha, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 19-06-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. Learned counsel for the petitioner submits that the
petitioner was appointed against the second sanctioned post of
peon by the erstwhile Managing Committee of the school and paid
stipend till the date of take over of the school. Subsequently, the
school was taken over under the scheme of the Bihar Non-
Government Secondary Schools (Management and Take Over),
Act, 1981 with effect from 2.10.1980.



3. Learned counsel for the petitioner submits that the petitioner was paid stipend of Rs. 150/- per month. However, after taking over of the school the petitioner was not paid salary. It appears from the different records that enquiry was made on several occasions as to the claim of the petitioner and vide Annexure-9 the District Magistrate, Saran at Chapra has submitted report to the Deputy Secretary, Chief Minister Secretariat, Bihar, Patna, wherein he has stated that after taking over of the school, no decision was taken as to the appointment and payment of salary to the petitioner. He further submits with reference to certain document that the petitioner was regularly paid stipend along with the other employees of the school in question. He also submits that till date no final decision has been taken by any competent authority on the claim of the petitioner that he was appointed by the erstwhile Managing Committee of the school. While taking over of the school, there were two posts sanctioned and the petitioner was appointed on the second post.

4. In view of the above, the writ petition is disposed of with liberty to the petitioner to file fresh representation along with a copy of this order before the District Education Officer, Saran at Chapra, who shall enquire into the matter and if it is found that the petitioner was validly appointed by the erstwhile Managing



Committee of the school and he has actually worked till date, the District Education Officer on verification of the records and on such enquiry as he may deem fit and proper, take final decision on the claim of the petitioner within a period of six months from the date of receipt/production of a copy of this order. If necessary, he may seek approval of the Director, Secondary Education in the matter of the claim of the petitioner.

5. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.06.2018
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