

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9959 of 2014

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Bimal Kumar s/o Sri Dwarika Singh r/o Vill + P.O. - Kurmari, P.S. -
Sikarahatts District - Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Education Department Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Collector Bhojpur at Ara.
5. The District Education Officer Bhojpur at Ara.
6. The District Programme Officer (Establishment) Bhojpur at Ara.
7. The Block Development Officer Sandesh Bhojpur.
8. Te Block Education Officer Sandesh Bhojpur.
9. Surendra Choudhary the then Block Education Officer Sandesh Bhojpur.
10. Manjit Kumar Singh the then Headmaster Middle School Surungapur Block -
Sandesh P.S. Sandesh Ditriect - Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate
For the Respondent/s : Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 14-08-2018

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

2. Initially the writ petition was filed for a direction to
the respondents to make payment of salary in the light of the
decision dated 20.09.2012 passed in CWJC No. 14791 of 2012
(Smt. Sneha Srivastava & Ors. Vs. The State of Bihar & Ors.),
contained in Annexure-4, but during the pendency of the writ



petition, the said order was challenged by the respondents in LPA No. 1836/2016 and the LPA Court while disposing of the appeal vide order dated 5.12.2016, remanded the matter back to the Principal Secretary and thereafter the Principal Secretary passed order against the petitioner, which the petitioner has challenged by filing I.A. No. 6076 of 2018 in this case.

3. In view of the above, no positive direction can be issued in favour of the petitioner as the claim of the petitioner for payment of salary is based on the order of the writ court which has been reversed by the LPA Court and after the order of the LPA Court the Principal Secretary has passed order against the petitioner. In the aforesaid circumstances, the Court does not find it appropriate to allow the interlocutory application and decide the writ petition.

4. Considering the complication of the dispute, it would be appropriate that petitioner may file separate writ petition against the order of the Principal Secretary vide memo No. 854 dated 5.7.2018 and the claim of the petitioner for payment of salary will abide by the final out come of the adjudication of the legality and validity of the decision of the Principal Secretary dated 5.7.2018 contained in memo no. 854.



5. The present writ petition is, accordingly, disposed of
with the liberty aforesaid.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	

