

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16277 of 2012

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Dwarika Mahto, S/O Late Abhilakh Mahto, R/O - P.O.- Hardiya, P.S.- Turkauliya,
District- East Champaran, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate, East Champaran, Motihari
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
5. The District Education Officer, East Champaran, Motihari
6. The Principal, Primary Teacher Training College, Deriyapur, East Champaran
7. The Treasury Officer, East Champaran, Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Narottam, Advocate

For the Respondent/s : Mr. Manoj Kumar Sinha, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 31-07-2018

Heard learned counsel for the petitioner and State.

2. The grievance of the petitioner in the present writ application is for payment of salary for the period 16.07.2001 to 06.11.2002.

3. Learned counsel for the petitioner submits that the petitioner was illegally removed from service and, as such, the petitioner is entitled to payment of salary for the period he was illegal removed and also for continuity of service. The petitioner has placed reliance the judgment, which is not applicable in the instant case. However, if the respondents have reinstated the petitioner in service, then there is no point to treat the period 16.07.2001 to 06.11.2002 as



not continuity of service.

4. Accordingly, the writ application is partly allowed.

The respondents are directed to treat the period 16.07.2001 to 06.11.2002, as continuity in service and the petitioner is granted other benefit of continuity in service including increment etc.

5. Final decision in this regard must be taken by the respondents 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
Uploading Date	04.08.2018
Transmission Date	

