

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22802 of 2012

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Md. Afzal Hussain Hashmi S/O Late Md. Islam Uddi Resident Of Village-
Jhamta, P.O- Bansbari, P.S- Taraba, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner Cum Secretary, Human Resources Development
Department, Government Of Bihar, Patna
3. The Special Director, Secondary Education Government Of Bihar, Patna.
4. The District Education Officer, Araria.
5. The Prakhanda Education Officer, Araria.
6. The Secretary, Madarsa Islamia, Bochi, Araria.
7. The Secretary, Madarsa Ihsamia, Bochi, Araria, Madarsa No. 402, Block
Araria, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. Birju Prasad, G.P.-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 02-08-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner has filed this present writ application for a
direction to the respondents to make payment of salary to the
petitioner.

Learned counsel for the petitioner submits that
petitioner was appointed in the year 1997 and he is regularly
working as Science Teacher in the Madarsa but he was not paid
salary till date.

Learned counsel appearing on behalf of the
respondents State submits that the petitioner ought to have



approached Madarsa Board for approval of the service and only thereafter he can claim his payment of salary.

Referring to the counter affidavit, he submits that petitioner as a Science Teacher was appointed in the Madarsa in question under a Central Scheme Sponsored by the Central Government but the petitioner has neither impleaded the Madarsa Board nor the authorities of the Central Government in the present proceeding and as such the present writ application has become incompetent.

Without going into the aforesaid aspect, the writ petition is disposed of with liberty to the petitioner to approach the District Education Officer, Araria who shall examine whether the funds are allocated by the Central Government Agency for payment of salary to Science Teacher in Madarsa or not. If the funds have been issued by the Central Government Agency, the District Education Officer, Araria will see that the fund allocated for payment to the Science Teacher is extended to this petitioner who was appointed Science Teacher in the Madarsa in question in furtherance of the Central Government Sponsor Scheme.

Final decision, if the petitioner files representation alongwith a copy of this order be taken by the respondent



District Education Officer, Araria within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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