

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23485 of 2012

-
-
1. Sunita Kumari D/O Surendra Rajak Resident Of Village - Bhatpur, P.O. - Kutumba, P.S. - Navinagar, District - Aurangabad
 2. Santosh Rajak Son Of Gupal Rajak Resident Of Village - Dariapur, P.O. - Tandwan, P.S. - Navinagar, District - Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Site Project Bihar Education Project Council Beltron Bhawan Shastri Nagar, Patna
3. The District Education Superintending Cum-District Programme Coordinator , Aurangabad
4. The District Programme Officer, Primary Teacher And Sarv Siksha Abhiyan, Bihar Education Project, Aurangabad
5. The Block Education Extension Officer Navinagar, District - Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1
For the Respondent/s : Mr. K.K.Singh, AC to SC 10

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 29-10-2018

This writ petition was filed on 17.12.2012 with two advance copies to the office of the Advocate General but unfortunately, even after lapse of 6 years, the respondents have not filed any counter affidavit. This shows reluctance on the part of the State in conducting their cases.

2. The instant writ petition involves the issue of non-payment of honorarium to the petitioners and not allowing them to work as Tola Sevak.

3. So far as the claim of the petitioners as to the provisions of Article 311(2) of the Constitution of India is



concerned, the post of Tola Sevak is not a civil post and as such provisions of Article 311(2) is not attracted.

4. So far as the payment of honorarium is concerned, if the petitioners have actually worked there is no reason to refuse payment of honorarium for the periods the petitioners have worked.

5. Since the respondents have not filed counter affidavit in the instant case, the writ petition is disposed of with a direction to the District Programme Officer, Primary Teacher and Sarv Shiksha Abhiyan, Bihar Education Project, Aurangabad to verify the record and take appropriate decision with regard to payment of honorarium to the petitioners for the period they have actually worked. Necessary decision with all consequential benefits in this regard must be taken within a maximum period of four months from the date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2018
Transmission Date	

