

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18024 of 2017

- =====
1. Hareram Manjhi, Son of Late Rangila Manjhi, resident of Village- Jagatpur, P.O. Jagatpur, P.S. Basantpur, District- Siwan.
 2. Mantosh Kumar Pandit, Son of Ram Bilas Pandit, resident of Village- Teliya, P.O. Nabiganj Bazar, P.S. Basantpur, District- Siwan.
 3. Sudhish Kumar Ram, Son of Sri Raghunath Rai, resident of Village and P.O. Gopalpur, P.S. Basantpur, District Siwan.
 4. Abhishek Kumar, Son of Sri Raghunath Rai, resident of Village- Teliya, P.O. Nabiganj Bazar, P.S. Basantpur, District- Siwan.
 5. Jaglal Prasad Yadav, Son of Ram Pravesh Prasad Yadav, resident of Village- Teliya, P.O. Nabiganj Bazar, P.S. Basantpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the District Education Officer, Siwan.
2. The District Education Officer, Siwan.
3. The District Programme Officer (Establishment), Siwan. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Smt. Binita Singh -SC28

Mr. Nishant Kumar Jha, AC to SC-28

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 02-05-2018

Heard learned counsel for the petitioners and State.

2. The petitioners are aggrieved by the order as contained in Annexure-3, dated 04.12.2014.

3. The respondent District Programme Officer (Establishment), Siwan has issued letter to Mukhiya and Panchayat Secretary of Gram Panchayat Raj, Jagatpur, Pandauli wherein the names of the petitioners and others appeared, in which a direction was issued to them to explain as to why action be not taken against them with regard to recommendation to the District Panchayati Raj Officer for



extending the benefit to the candidates failed in BETET examination.

4. Learned counsel for the petitioner submits that more than three years have passed, the enquiry is inconclusive and as a result of their indecisiveness, the petitioners are not getting salary.

5. Referring to the Division Bench judgment in the case of **Radha Kumari v. State of Bihar and Ors.**, reported in **2002 (3) PLJR 794** he submits that the respondents are not justified in stopping the salary in the name of pending enquiry.

6. Considering the materials available on record and the kind of inquiry undertaken by the respondents and also noticing the fact that there is no specific averment in the writ application that the petitioners have passed TET examination, the Court is constrained to dispose of the writ application with a direction to the respondents to conclude the inquiry within a maximum period of 60 days from the date of receipt/production of a copy of this order.

7. In the event, it is found that there is no infirmity in the appointment of the petitioners, the respondents should be obliged to make payment of salary for the entire period within a further period of one month from the date of such decision.

8. With the aforesaid, the writ application stands disposed of.

9. It goes without saying that the respondents are



required to adhere the principles of natural justice in the decision making process.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.05.2018
Transmission Date	

