

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10708 of 2016

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1. Surendra Kumar Son of Sri Shivpujan Mahto resident of Village + P.O. -
Shital Rampur, P.S. - Bakhri, District – Begusarai Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Human
Resources and Development, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate , Begusarai.
4. The District Programme Officer, Begusarai.
5. The Block Development Officer, Garhpura, District - Begusarai.
6. The Block Education Officer, Garhpura, District - Begusarai.
..... Respondents

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Appearance :

For the Petitioner : Mr. Ram Naresh Singh, Adv.

For the Respondents : Mr. Anirudh Kumar Singh, AC to GP XXV

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 05-02-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The grievance of the petitioner, in the present writ
application, is with regard to non-payment of salary for the period
07.06.2008 to 25.04.2010 during which the petitioner was
restrained from discharging the duty pursuant to the order, dated
03.06.2008.

The learned counsel for the petitioner submits that
the said order, which restrained him from discharging the duty,
was set aside by the District Educational Appellate Authority,
Begusarai, and by order, dated 10.04.2010, in Appeal No. 332 of
2009 and, thereafter, the petitioner is regularly working.



Under the aforesaid circumstances, instead of adjourning the case, filed on 04.07.2016, with two advance copies of the writ petition serving in the office of the Advocate General for facilitating to file the counter affidavit, which has not yet been filed, this writ petition is **disposed of** with a direction to the respondent-Director, Primary Education, Bihar, Patna, to pass appropriate order on the representation, if filed by the petitioner, along with a copy of this order, within a period of one month and after verification of the records if it is found that the order restraining the petitioner from discharging duty was set aside by the District Educational Appellate Authority, Begusarai, by order, dated 10.04.2010, in Appeal No. 332 of 2009, the Director, Primary Education, Bihar, Patna, shall pass appropriate order for payment of salary for the period in question as the respondents have illegally and arbitrarily restrained the petitioner from discharging the duty. All the formalities in the result must be completed within a period of two months, from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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