

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3208 of 2016

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Sarita Kumari wife of Krishandeo Mandal resident of mohalla - Puldauri near Congress office, P.S. - Sultanganj, District - Bhagalpur, At present posted as Assistant teacherin Shanti Devi Muraika Balika Middle School, Sultanganj, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Depart., Government of Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Bhagalpur Division, District - Bhagalpur.
5. The District Education Officer, Bhagalpur, District Bhagalpur.
6. The District Programme Officer (Establishment), Bhagalpur, District - Bhagalpur.
7. The Block Education Officer-cum-Drawing Disbursing Officer, District Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
Mr. Dhananjay Kumar Gupta, Advocate
For the Respondent/s : Mr. Raj Nandan Prasad, SC-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 19-02-2018 Heard learned counsel for the petitioner and respondents.

The respondents in para 7 and 8 of the counter affidavit, following stand has been taken:

“7. That further it is submitted that petitioner was also requested to send necessary report about the duties done to this office through her Controlling-officer compliance of which has not yet been reported to this office. Whereas the question of payment of salary for the period



from January, 2013 to 23.02.2013 is concerned it has already been mentioned in the Memo under reference that the bill for payment of salary for this period from Jan, 2013 to 23.02.2013 has already been submitted in the treasury.

8. That it is to state that as would be apparent on perusal of this office letter no. 214 dated 20/01/16 annexed at Annexure-I of the claim of the petitioner for payment has been examined by the Block Education Officer-cum-Drawing and Disbursing Officer, Adarsh Madhya Vidyalaya, Sultanganj and reported that the 2nd ACP would be payable to her on 16/12/2016 after completion of 24 years of satisfactory service. Regarding payment of salary for the period from 23/02/2013 to 31/07/2014 necessary information about discharge of her duties as also the absentee statement have not been made available to the Drawing and Disbursing Officer in absence of which salary is not payable without any base. She has been accordingly requested to make the same available to this office through her controlling officer. On receipt of the same necessary action will be taken as per rule.”

In view of the stand taken by the respondents in para 7 and 8 of the counter affidavit, the writ application is disposed of with a direction to respondent no.6 to take final decision with



regard to the claim of the petitioner for salary, for the period indicated in para 7 and 8 of the counter affidavit, within a period of 60 days from the date of receipt/production of a copy of this order.

The respondent no.7, who is Block Education Officer-cum Drawing and Disbursing Officer, Bhagalpur is under obligation to provide the necessary information to respondent nos. 5 and 6 so that appropriate decision with regard to final payment may be taken by the respondents within the time indicated hereinabove. The order as contained in Annexure-17 will not come in the way of the respondents in view of the statements made in para 7 and 8 of the counter affidavit.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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