

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8916 of 2017

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Vishnu Dev Singh Son of Late Bihari Singh Resident of Village - Semra, P.O.
Semra, P.S. - Netwar, District – Rohtas. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
 2. The Director, Secondary Education, Government of Bihar, Patna.
 3. The District Education Officer, Rohtas, Sasaram.
 4. District Program Officer (Establishment), Rohtas, Sasaram.
 5. The Managing Committee Adars High School, Semra, Dinara, Rohtas through the Secretary.
 6. The Secretary, Managing Committee, Adars High School, Semra Division, Rohtas.
 7. Vinay Krishna S/o Wakil Shah the Incharge Headmaster, Adars High School, Simra, Rohtas. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Tej Bahadur Singh, Sr. Advocate
Mr. Shashi Priya Pathak, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-02-2018 Learned senior counsel appearing on behalf of the petitioner submits that despite repeated direction issued by the various authorities and the education department, petitioner was not paid remuneration by respondent no.7.

He submits that the respondent no.7 is under discipline and control of the respondent nos. 3 and 4 and it shall be obligation of respondent nos. 3 and 4 to see that direction of the competent authority and higher authority is carried out.

In the event respondent no.7 does not carry out the direction of the superior authority, the respondent nos. 3 and 4 are competent enough to take coercive steps against respondent no.7.



In this case, six weeks time was granted to the respondents to file counter affidavit but they have neither filed any counter affidavit nor they have redressed the grievance of the petitioner.

Under the aforesaid circumstances, without expressing any opinion on the merit of the claim of the petitioner, the writ petition is disposed of with direction to respondent nos. 3 and 4 to examine the claim of the petitioner and if it is found that petitioner is entitled to payment of remuneration and in the past direction was issued by the various authorities of the education department for payment of remuneration, yet respondent no.7 has not carried out the direction, the respondent nos. 3 and 4 are equipped with enough disciplinary power to ensure compliance of the lawful direction issued by the superior authorities and also take steps for payment of legitimate dues of the petitioner within a 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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