

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15271 of 2017

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Ramesh Choudhary, Son of Late Saryug Choudhary, resident of Village Ghorbanki, P.S. Basopatti, District- Madhubani at present posted as Head of Department (Zoology), C.P.P. College, Hisar (Borhar), District Madhubani.

... .. 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 Chairman, Bihar Intermediate Education (H.S.) Council, Patna.
4. The Secretary, Bihar Intermediate Education Council (H.S.) Patna.
5. The District Education Officer, Madhubani.
6. The Regional Deputy Director of Education, Madhubani.
7. The District Magistrate, Madhubani.
8. The Principal cum Convenor, R.K. College, Madhubani.
9. The Principal, C.P.P. College, Hisar (Barhar), District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Banwari Sharma, Advocate
For the Respondent/s	:	Mr. M. PD. YADAW-GP23
For BSEB	:	Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 14-03-2018

Herd learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. Mr. Banwari Sharma, learned counsel for the petitioner submits that funds are allocated by the State Government towards payment of salary to the legally and validly



appointed teaching and non-teaching employees i.e., if they are appointed on sanctioned post.

3. Learned counsel for the Bihar Intermediate Education Council (H.S.) submits that until the enquiry is made as to the appointment against the sanctioned post by the agency of the State Government including the District Education Officer, who may be in a position to verify the record and ascertain the teachers and non-teaching staff against sanctioned posts in the college in question no payment can be made.

4. In view of the above, the writ petition is disposed of with a direction to the District Education Officer, Madhubani to verify the record and ascertain the teachers and non-teaching staff of the C.P.P. College, Hisar (Barhar), District Madhubani appointed against sanctioned post, and only then he is required to issue appropriate direction for distribution of the fund allotted by the State Government under the Bit Rahit Shiksha Niti on the basis of performance of the students in the college in question.

5. The entire exercise must be completed by the respondent-District Education Officer within three months from the date of receipt/production of a copy of this order.



6. It is made clear that this Court has not expressed any opinion on the merit of the claim of the petitioner.

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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

