

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3623 of 2008

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Baidyanath Prasad Singh, S/o Late Raghubir Prasad Singh, resident of Village-
Bajitpur, P.O. Choumukh, P.S. Bochaha, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Secondary Education Bihar, Patna.
3. The Director, Secondary Education Bihar, Patna, Intermediate Council Building, Budha Marg, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The Headmaster, Dwarika Nath High School, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-02-2018

Nobody appears on behalf of the petitioner. Learned
counsel for the State has assisted the Court.

2. Despite notice being validly served on respondent no.

6, nobody appeared on his behalf when the case was heard.

3. The petitioner has moved the Court for the following
reliefs:

“(i) For issuance of an appropriate writ in the nature of Certiorari for quashing the order vide memo no. 185, dated 15th February 2005 and vide memo no. 01, dated 1st January 2008 issued by the Director, Secondary Education Bihar, Patna (Respondent no. 3) whereby and where under the petitioner has been deprived of his salary from March 1994 to November 1995 on the ground that “the petitioner disobeyed the order of transfer in as much he had not worked the aforementioned period, so he would not be entitled for salary on the ground the principal of ‘no work no pay’.



(ii) For issuance of the direction upon the Respondents to give and grant of due salary & allowances of the petitioner from March 1994 to November 1995 will all consequential benefits.

(iii) For issuance of an appropriate writ, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

4. In terms of the earlier orders, counter affidavit has been filed on behalf of respondent no. 3, in which it has been categorically stated that despite the petitioner having been relieved to join his new place of posting on 24.03.1994, only upon a second transfer order being issued on 20.10.1995, he had joined on 15.11.1995 and, thus, him not having worked on any post without any valid order, salary was not paid.

5. Having considered the matter, the Court does not find that there is any ground to interfere in the order passed by the authorities and accordingly, the writ application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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