

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17402 of 2010

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Smt.Rekha Kumari W/O Jugun Kumar R/O Moh Tajpur Road, Samastipur,
P.S.Samastipur, Distt-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Primary Education Government Of Bihar, Patna, New
Secretariat, Patna
3. The District Magistrate (Collector) Samastipur
4. The District Superintendent Of Education Samastipur
5. The Block Development Officer Pusa, Samastipur
6. The Block Education Extension Officer Pusa, Samastipur
7. The Mukhiya Gram Panchayat Raj Marsand, Pusa, Samastipur
8. The Panchayat Secretary, Gram Panchayat Raj Marsand, Pusa, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar
For the Respondent/s : Mr. (Sc6)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 04-09-2018 This writ petition was filed on 11.10.2010 with two

advance copies to the office of Advocate General. Despite eight

years has passed, no counter affidavit has been filed.

Unfortunately, on behalf of the petitioner for the last several

dates no one appeared to assist the court.

Under compelling circumstances, the Court is left

with no option but to dispose of the writ petition.

The present writ application was filed by the

petitioner with regard to grievance of non-payment of salary.

The issue of payment of salary requires enquiry into the facts,

namely, whether the appointment of the petitioner is legal and



valid and secondly whether the petitioner has worked for the period the petitioner is claiming salary. Both the factual enquiry is to be done by the respondents who are custodian of the record.

Accordingly, the writ petition is disposed of with direction to the District Programme Officer (establishment), Samastipur to enquire into the record and on verification of the record, if it is found that the appointment of the petitioner is legal and valid and the petitioner has worked, necessary order for payment of salary may be passed by the respondent District Programme Officer (Establishment), Samastipur 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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