

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21939 of 2014

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Mina Devi wife of Late Ajay Kumar, resident of Village- Chak Hussaini, P.S. Mehsi, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director , Higher Secretary, Education, Govt. of Bihar, Patna having its office at old Secretariat Bihar, Patna.
3. The District Magistrate-cum-Collector, Khagaria.
4. The District Development Commissioner-cum-Executive officer, Zila Parishad, Khagaria.
5. The District Education Officer, Khagaria
6. The District Program Officer, Khagaria.
7. The Headmaster, Haribans Narayan Uchcha Vidyalaya Mahaddipur, Bandhera, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Mukund Mohan Jha, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is non-payment of salary of late husband of the petitioner for the period November, 2008 to 21.07.2010.

On behalf of the petitioner submission was made that the District Teachers Employment Appellate Authority has passed order in favour of the petitioner and others on 13.08.2009 (Annexure-3). Thereafter, review petition was filed, challenging the appointment of the husband of the petitioner and



others. The matter was taken to this court in C.W.J.C. No. 18155 of 2012. The Co-ordinate Bench of this Court has categorically held out that the Tribunal has no power to review and accordingly issued the following direction which reads as follows:-

“There is no provision of review under 2006 Rules and this Court is of the view that the order of review is of no consequence.

In this view of the matter, this Court directs the concerned respondent to pay arrear salary to the petitioner in terms of order passed in Appeal No. 355-01/2009(Annexure-A) within six months from the date of receipt/production of a copy of this order.”

In view of the above, the writ petition is disposed of with direction to the respondents to ensure payment of the salary as claimed on behalf of the late husband of the petitioner within a period of sixty days 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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