

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14684 of 2010

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Sri Sanjay Kumar @ Sanjay Kumar, son of Sri Ram Sundar Kant Rai,
resident of village- Baishath, P.O.- Baishath, P.S.- Kumarkhand, District-
Madhepura.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary of Human Resources
Department, Government of Bihar, Patna
2. The Deputy Director (Primary Education and Adult Education Department)
Government of Bihar, Patna
3. The Regional Deputy Director Of Education, Koshi Division, District-
Saharsa
4. District Superintendent of Education, Madhepura, Distt.- Madhepura
5. Sundar Kant Rai, S/O Late Kamleshwari Rai,
6. Rajib Kumar S/O Sundar Kant Rai
7. Raj Kumar Rai S/O Sundar Kant Rai

All resident of village-Baishath, P.S.- Kumarkhand, District-
Madhepura.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kr.Agrawal
For the Respondent/s	:	G.P.-10
For the private respondents:		Mr. Uday Chand Prasasd, Advocate Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 16-05-2018

No one appears for the petitioner.

Learned counsel for the State and leaned counsel
for the private respondents are present.

In this case, the petitioner is challenging the order



containing memo no.953 dated 21.07.2010, passed by the Regional Deputy Director of Education, Koshi Division, Saharsa, whereby and where-under direction has been given to make payment of one share of pay of the petitioner to the complainants-father of the present petitioner.

The mother of the petitioner was a Government employee, who died in harness. As the petitioner was the eldest son was appointed on compassionate ground. At the time of appointment, the petitioner had given an undertaking that he will maintain the family but after his appointment on compassionate ground he left looking after the dependents i.e. father and younger brothers, that compelled the father, to make a complaint before the appropriate authority that the petitioner is not complying his own undertaking, refusing to maintain the family though at the time of appointment they have given 'No Objection' on account of fact that he has given impression that he would maintain the entire family as she was only source of livelihood.

On notice, the Regional Deputy Director of Education, Koshi Division, Saharsa, has passed the impugned order and given direction to make payment of one share of pay of the petitioner to the complainant-father.



This Court does not find any error in the impugned order. Accordingly, this writ petition is dismissed.

At this stage, learned counsel for the private respondents submits that even after the impugned order the petitioner has not paid any single farthing to the complainant. Hence, this Court directs the District Superintendent of Education, Madhepura, that he will ensure 1/3rd share of pay of the petitioner will be deducted from the pay of the petitioner at source and will be credited to the account of the father of the petitioner, who will furnish the details of his bank account.

So far the arrears is concerned, that will be recovered from the salary of the petitioner in easy installment. This order should be implemented at once.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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