

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19481 of 2014

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Smt. Indu Kumari Wife of Late Devendra Prasad Singh Resident of Village -
Mahua Mukundpura, P.O. - Mahua, P.S. Mahua, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary to Govt. (Secondary Education), Human Resources Development Department, Bihar, Vikash Bhavan, Patna.
2. The Director, Secondary Education, Human Resources Development Department, Bihar, Vikash Bhavan, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Education Officer, Vaishali. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Nandan Prasad Singh, Advocate
For the Respondent/s : Mr. Rauish Chandra, AC to SC-6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 02-11-2018

The instant writ petition has been filed by the petitioner for a direction to the respondents to pay salary for the period the petitioner was kept on compulsory waiting for posting.

2. This writ petition was filed on 17.11.2014 after service of two advance copies to the office of the Advocate General but unfortunately even after four years no counter affidavit has been filed. The Court, under the aforesaid circumstances, is constrained to dispose of the writ petition on the basis of the pleadings available on the record.

3. From the pleadings available on the record, it appears that the petitioner was kept on compulsory waiting for posting for the period 12.09.1996 to 10.01.1997. Posting is under the domain of the respondents and if appropriate decision was not taken by the respondents in the matter of posting of the petitioner, the petitioner



cannot be made to suffer on account of lapses on the part of the respondents in taking decision for posting of the petitioner.

4. Considering the fact that there is no counter affidavit controverting the statements made in the writ petition with regard to the fact that the petitioner was kept on compulsory waiting for posting for the period 12.09.1996 to 10.01.1997, the respondents are hereby directed to work out the entitlement of the petitioner for payment of salary of the aforesaid period as the respondents cannot take advantage of their own wrong in not issuing appropriate order of posting of the petitioner and for failure on the part of the respondents, the petitioner remained on compulsory waiting for posting. Accordingly, the respondents are directed to ensure payment of salary for the aforesaid period within a maximum period of four months from the date of receipt/production of a copy of this order.

5. With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.11.2018
Transmission Date	

