

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19650 of 2015

Md. Isa Bedil, Son of Late Hazi Sheikh Bhola Hussain, Resident of Village +
P.O. - Amari, P.S. + Block - Khodawandpur, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
2. The Director (Secondary Education), Human Resources Development Department, Govt. of Bihar, Patna.
3. The District Education Officer, Begusarai.
4. The Regional Deputy Director of Education, Munger.
5. The Secretary, Radha Bhubneshwari Minority High School, amari, P.S. - Khodawandpur, District - Begusarai.
6. The Principal Radha Bhubneshwari Minority High School amari, P.S. - Khodawandpur, District - Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Mr. Mayank Bilochan
For the Respondent/s : Mr. Neeraj Raj, AC to GA 8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2018 Heard learned counsel for the parties.

Considering the totality of the fact situation and the pleadings of the case the Court is of the view that no positive direction can be issued in favour of the petitioner. However, liberty shall be available to the petitioner to approach the appropriate forum including the Civil Court for common law remedy as the respondent-Managing Committee has allowed the petitioner to continue beyond the date of superannuation. Taking work and denying payment is beggary which is impermissible in view of Article 23 of the Constitution.

Although the Court *prima facie* accepts the



contention of the petitioner that the respondents cannot take beggary and in terms of provisions of Section 72 of the Contract Act the Managing Committee of the school was obliged to make payment for the period the petitioner has rendered service after the date of superannuation. But having regard to the scope of Article 226 of the Constitution this Court is refrained from passing any positive order but relegating the petitioner to approach the alternative forum for redressal of his grievance in the nature of payment of salary for the period from August 2006 to September 2012.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

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