

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17276 of 2014

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Shiva Kumari (Prakhand Shikshika, Rajkiyakrit Utkramit Madhya Vidyalaya, Tamkuhawa, Madhubani, West Champaran, Bihar) W/o Shiv Shankar Kumar, Haldi Chapra Kothi, Amrudi Gali, Nala Road, P.S. Kadam Kuan, Patna-4.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Ministry of Education, Govt. of Bihar, Patna, Bihar.
2. The Principal Secretary, Human Resource Development (H.R.D.) Department, Govt. of Bihar, Patna.
3. The District Education Officer, Bettiah, West Champaran, Bihar.
4. The Secretary, Block Teachers Employment Unit (Dahwa), Madhubani, West Champaran, Bihar.
5. The Principal, Utkramit Madhya Vidyalaya, Tamkuhwa, Madhubani, West Champaran, Bihar.
6. The Principal, Utkramit Madhya Vidyalaya, Murgahwa, Madhubani, West Champaran, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arghesh Kumar, Advocate

For the Respondent/s : Mr. Saurabh Kumar, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 28-08-2018

Heard learned counsel for the petitioner and State.

2. From the materials available on record, it appears that the petitioner has acquired eligibility for appointment as Secondary Teacher, but erroneously the petitioner was appointed as a Block Teacher in middle school.

3. From the counter affidavit, it appears that for Block Teacher in middle school, there are different eligibility criteria and petitioner does not qualify for appointment as Block Teacher in middle school and as such the petitioner could not have been



appointed as teacher in middle school.

4. Learned counsel for the petitioner submits that the error was committed by the respondents and as such the petitioner cannot suffer for the wrong committed by the respondents, since the petitioner has worked after appointment, the petitioner is entitled to payment of salary for the period she has actually worked.

5. The Court finds substance in the submission of the learned counsel for the petitioner that petitioner has actively worked after appointment and any error on the part of the respondents cannot disentitle the petitioner from claiming salary for the period she has worked on appointment.

6. Considering the aforesaid, the writ application is disposed of with a direction to the respondents to ensure payment of salary to the petitioner for the period she has discharged the duty of a block teacher in middle school within a period of 60 days from the date of receipt/production of a copy of this order.

7. In case, payment is not made within the aforesaid period, the entire amount will carry interest at the rate of 9% per annum from the date of its accrual till the date of actual payment.

8. This Court does not find any error in the decision of the respondents in rectifying their mistake so far as the appointment of the petitioner as Block Teacher out of the eligibility acquired by the



petitioner for appointment as Secondary School teacher. However, if the petitioner is otherwise eligible for appointment as Secondary School teacher, the respondents are required to consider the claim of the petitioner for appointment as Secondary School teacher in accordance with the merit position of the petitioner against the available vacancy in accordance with law.

9. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2018
Transmission Date	

