

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7545 of 2015

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Bharat Bhushan, S/o Late Shyam Kishore Chaudhary, Resident of Village
Rupauli, P.S. Ujiyarpur, District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Madhyamik Shiksha, Government of Bihar, Patna.
2. Director, Madhyamik Shiksha, Government of Bihar, Budh Marg, Patna.
3. Director (Administration)-cum-Joint Secretary, Department of Human Resources, Government of Bihar, Patna.
4. Regional Deputy Director, Munghyr Pramandal, Munghyr.
5. District Education Officer (D.E.O.), Begusarai.
6. Raj Mukul, the then Regional Deputy Director, Munghyr.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. Niraj Kumar, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 28-11-2018

This writ application involves the issue of payment of salary prior to the date of appointment.

2. The grievance of the petitioner in the instant writ application is that on 28.05.2008, the name of the petitioner along with two others were recommended for compassionate appointment. Two out of three recommended along with the petitioner were appointed on 10.06.2008 and 18.06.2008 and petitioner was not issued appointment letter. The petitioner filed C.W.J.C. No. 14332 of 2009, which was disposed of on



01.02.2010. The relevant part of order dated 01.02.2010 passed in C.W.J.C. No. 14332 of 2009 reads as follows:

“Considering that for not issuing appointment letter in favour of the petitioner, despite recommendation of the District Compassionate Committee, is unjust and arbitrary act of the respondent no.4, this application is being disposed off directing the respondent no.4, Regional Deputy Director of Education, Munger Division, Munger to issue appointment letter in favour of the petitioner as per recommendation of the District Compassionate Appointment Committee within four weeks from the date of production/communication of this order.”

3. After the order of the writ Court in C.W.J.C. No. 14332 of 2009, the respondents have issued appointment letter on 29.04.2010. The petitioner has filed the representation and thereafter filed the instant writ application for a direction to the respondents to make payment of salary for the period June, 2008 to the date of actual appointment of the petitioner on the ground that the respondents have acted arbitrarily and delayed the appointment of the petitioner.

4. Considering the totality of the facts situation, no indulgence can be granted to the petitioner for payment of salary for the period prior to the date of appointment. However, in order



to balance the equity, it would be appropriate that the benefit of seniority shall be granted to the petitioner from the date similarly circumstanced two others, recommended along with the petitioner on 08.05.2008, have been appointed on compassionate ground. The respondents are directed to work out the entitlement of the seniority of the petitioner w.e.f. 10.06.2008. Except seniority, no other benefit is available to the petitioner, who was appointed on 29.04.2010.

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

(Anil Kumar Upadhyay, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2018
Transmission Date	

