

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14173 of 2013

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Mithilesh Kumari Wife Of Sri Surendra Prasad Yadav Resident Of Village -
Sunder Birajit, Block And P.S. Madhepur, District - Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resource Development Department Govt. Of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Director Primary Education, Human Resources Development Department, Government Of Bihar, Patna
4. The District Magistrate, Darbhanga
5. The District Education Officer, Darbhanga
6. The District Programme Officer, (Establishment), Darbhanga
7. The Block Development Officer, Baheri, P.S. Baheri, District - Darbhanga
8. The Block Education Officer, Baheri, P.S. Baheri, District - Darbhanga
9. The Mukhiya Gram Panchayat, Hawidih Utari, P.S. Baheri, District - Darbhanga
10. The Panchayat Sachiv, Gram Panchayat, Hawidih Utari, P.S. Baheri, District - Darbhanga
11. Smt. Sabita Devi Wife Of Sri Ugant Kumar Yadav Resident Of Village - Baskatti, P.S. Baheri, District - Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-08-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the respondents.

Vide order dated 29.7.2003 this Court has stayed the order of recovery contained in Annexure- 10. So far as the order of termination is concerned (Annexure-10), this Court after decision in LPA No. 1532 of 2011 is not inclined to interfere with the order of termination. Accordingly, the writ petition so far as challenge as to the validity of Annexure-9 is concerned,



the same is dismissed. However, in the peculiar facts and circumstances of the case, the petitioner was paid salary for the period the petitioner has worked and as such the Court in the totality of the facts situation deem it fit and proper that recovery which was stayed vide order dated 29.7.2013 is made absolute. Accordingly, the writ petition is partly allowed. So far as Annexure-9 is concerned, the writ petition fails but in the peculiar facts and circumstances of the case the payment made to the petitioner for performing the duty shall not be recovered. Annexure-10 to that effect shall not be given effect to.

With the aforesaid, the writ application stands partly allowed and disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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