

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9171 of 2012

Kamlesh Mishra Son Of Late Upendra Narayan Mishra Resident Of Village -
Birpur, P.O. Nagwan, Police Station - Naubatpur, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
2. The Director, Secondary Education, Human Resources Development Department, Bihar, Patna
3. The Regional Deputy Director Of Education, Patna Division At Patna
4. The District Education Officer, Patna
5. The Headmistress, Project Girls High School Naubatpur (NAGWAN), Police Station Naubatpur, District - Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh
For the Respondent/s : Mr. Manoj Priyadarshi Sc17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date : 05-07-2018

Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

2. Petitioner is aggrieved by the order contained in
Annexure-1.

3. The grievance of the petitioner in the present
writ application is that after order of this court the respondents
were required to ascertain whether the petitioner has worked for
the period in question or not. The respondents have taken into
consideration the two registers. One of the registers indicates



that petitioner was present. The other register runs just contrary.

4. Learned counsel for the petitioner submits that register in which petitioner figures as present is the register and on the basis of entries in the said register four other persons have been paid salary but in the case of the petitioner respondents have disbelieved the entry made in the register. If that is so, the respondents are required to take fresh decision and on verification, if it is found that register in which petitioner attendance is found carries the name of three teachers and one Peon who have been paid salary on the basis of entry made in that register, the benefit of same should be extended to this petitioner. In the event, none of the teachers or non-teaching employee whose name figures in the register which is disbelieved by the respondents for accepting the contention of the petitioner present in the school, then the respondents may give reason and pass appropriate order.

5. The entire exercise in this regard may be taken within a period of three months from the date of receipt/production of a copy of this order.

6. Learned counsel for the petitioner submits that Annexure-4 is the register which was basis for payment of others and denial of the same to this petitioner and as such he



submits that the respondents cannot adopt two yardsticks in the matter of verification of the record.

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	N/A
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