

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1475 of 2012

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Smt. Surendra Kaur W/O Dr. Surjit Singh, Teacher, Guru Gobind Singh Girls High School, Patna City, r/o Mohalla-Abulas Lane, Machhuatoli, Patna-4, P.S.-Kadamkuan, Distt-Patna Petitioner/s

Versus

1. The State Of Bihar Through State Human Resources Principal Secretary Sri A.K.Singh Vikash Bhawan, Patna-15
 2. Sri K.K.Sriwastwa, Director Secondary Education Vikash Bhawan, Patna-15
 3. Sri Medo Das, District Education Officer Collectorate, Patna-800001
 4. Staff Selection Commission through its Secretary, Staff Selection Commission, Bihar, Patna, near Veterinary college, Patna
 5. The Chairman, Staff Selection Commission, Bihar, Patna, near Veterinary college, Patna
 6. The Managing Committee, Sri Guru Govind Singh Girls High School, Patna city, PS- Patna city, Patna Respondent/s
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Appearance :

For the Petitioner/s : Mr. Ashok Priyadarshi
For the Respondent/s : Mr. Sunil kr. Mandal SC24

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

C.A.V. JUDGMENT

Date: 14-08-2018

1. The present contempt petition has been filed complaining disobedience of the order dated 10.04.2009 passed in CWJC no. 3988 of 2001, whereby and whereunder it was held that the petitioner is entitled to all arrears of salary with interest @ 8% on the arrears of salary.

2. The opposite party no. 6 i.e. the Managing Committee, Sri Guru Govind Singh Girls High School, Patna city, Patna has filed a show cause stating that the services of the petitioner has already been terminated w.e.f. 12.10.1998 since the petitioner is absent from the school since the month of August, 1998. The learned counsel for



the opposite party no. 6 has further submitted that the B.A. and B.Ed degree of the petitioner has been found to be forged and a criminal case bearing Chowk Town PS case no. 66 of 2001 has been instituted against the petitioner, which is pending adjudication before the learned court below and in the said case, the police has also filed a charge sheet finding the case to be *prima facie* true against the petitioner herein. It has also been stated that the petitioner has already been paid a sum of Rs. 1,99,715/- under the head “salary”.

3. The learned counsel for the petitioner has on the other hand submitted that the petitioner has not been granted arrears of full salary for the period, she has worked.

4. The learned counsel appearing for the opposite party no. 6 has responded to the aforesaid submission made by the learned counsel for the petitioner and has submitted that the entire arrears of salary has been paid to the petitioner herein, though the fact is that her appointment is *void ab initio*, inasmuch as she has obtained appointment on the basis of forged certificate in a fraudulent manner, for which a criminal case is also pending and the police has submitted charge sheet in the said case.

5. I have heard the learned counsel for the parties and perused the materials on record and I find that this Court, by the aforesaid order dated 10.04.2009, has nowhere specified the period, for which the arrears of salary was to be paid to the petitioner herein



and since the opposite party no. 6 has already paid the arrears of salary for the period January, 1993 to June, 1996 and April, 1997 to August, 1997 amounting to a sum of Rs. 1,99,715/-, hence this Court finds that the order of this Court dated 10.04.2009 has been complied with. Infact, the petitioner has not filed any rejoinder to the various show cause filed by the opposite parties in order to controvert the factum of the petitioner having received the arrears of salary.

6. Having regard to the facts and circumstances of the case, I do not find any reason to keep the present contempt petition pending, hence the same is disposed of with liberty to the petitioner to agitate other grievance, if any, before the appropriate authority.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	09.08.2018
Uploading Date	14.08.2018
Transmission Date	NA

