

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3926 of 2012

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Shivanand Pandey, Son of Late Ram Shakal Pandey, Resident of Village-Kharagpura, P.O.-Natwar, District-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna
3. The Regional Deputy Director of Education, Patna Division, Patna
4. The District Education Officer, Kaimur at Bhabhua
5. The Headmaster, Shri Nehru High School, Nauhatta, District- Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate

For the Respondent/s : Mr. Harendra Pd. Singh, GA8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 17-07-2018

Enough indulgence has been granted to the learned counsel for the respondents to file additional counter affidavit, but no additional counter affidavit has been filed.

2. In the aforesaid, the Court is left with no option, but to dispose of the present writ application.

3. Heard learned counsel for the petitioner and State.

4. The only controversy involved in the present writ application warranting adjudication is whether the petitioner is entitled to salary from 13.01.2005 to 11.09.2006?

5. Learned counsel appearing on behalf of the petitioner submits that the respondents have already taken decision vide



Memo No. 3657 dated 17.08.2010 (Annexure-E) to the effect that the Headmaster of the school has not allowed the petitioner to join the school. Referring to Annexure-E, learned counsel for the petitioner submits that once it is admitted that the petitioner was not allowed by the headmaster to join the school, the petitioner cannot be denied salary for the period, he was not allowed to join as teacher in the school, as principles of no work no pay is not applicable in the case where the individual is not allowed to work.

6. Considering the aforesaid, the Court has no hesitation in accepting the submission of the learned counsel for the petitioner that the petitioner was not allowed to join the school in question by the headmaster and as such the petitioner cannot be denied salary for the period he was not allowed to join the school.

7. In view of the above, the writ application is disposed of with a direction to the respondent District Education Officer, Kaimur at Bhabhua to work out the entitlement of the salary of the petitioner for the period the petitioner was not allowed to join the school by the headmaster i.e. from 13.01.2005 to 11.09.2006. Necessary decision in this regard must be taken by the respondent District Education Officer, Kaimur at Bhabhua within a period of sixty days from the date of receipt/production of a copy of this order.



Consequential benefit of such decision must reach to the petitioner within a further period of two months from the date of such decision.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.07.2018
Transmission Date	

