

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4359 of 2018

1. Ram Nath Rai, Son of Late Paltan Rai, resident of Village-Jaynagar, P.S. Sonbarsa, District Sitamarhi, at present resident of Ward No. 1, Bypass Road, Rampadarath Nagar, P.S. Sonbarsa, District- Sitamarhi.
2. Ram Babu Sah, Son of Late Gena Sah, Resident of Village-Belmachch Pakauni, P.S. Bela, District- Sitamarhi.
3. Usha Kumari, Wife of Shambhu Nath, resident of Village Morsand, P.S. Runisaidpur, District- Sitamarhi.
4. Vijay Kumar, Son of Late Rajendra Mahto, resident of village Mudhiya P.S. Sonbarsa, District- Sitamarhi. Petitioners no. 1 to 4 are posted as Assistant Teachers in Marwari Madhya Vidyalaya, Sitamarhi.
5. Pramod Prasad, Son of Late Yogendra Prasad, resident of Village Basantpatti, P.S . Purnahiya, District Sheohar, presently posted as an Assistant Teacher in Middle School, Sasaula, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna.
4. The Director, Primary Education, New Secretariat, Patna.
5. The District Education Officer, Sitamarhi.
6. The District Programme Officer, Establishment, Sitamarhi.
7. Marwari Madhya Vidyalaya, Sitamarhi, through its Managing Committee.
8. Middle School, Sasaula, District Sitamarhi, through its Managing Committee.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Pramod Kumar Singh, AC to SC16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-03-2018 Heard learned counsel for the petitioners and the State.

Mr. Sanjay Kumar, learned counsel for the petitioners submits that due to delayed release of fund, the petitioners and others were deprived of the financial assistance admissible to the teachers and other employees of the minority aided schools. He submits that for the financial year 2014-15 the allotment was received on 31.3.2014 and as such the allotment was of no use as the Treasury was locked. In the subsequent financial year 2015-16 allotment was made after the cut off date. He submits that in subsequent years the petitioners' institution was allotted fund in time and as such all the payments were made to the eligible teaching and non-teaching employees but for the reasons beyond the control of the petitioners and the school in question the petitioners are deprived of the dues for the financial years 2014-15 and 2015-16.

In view of the above, the writ petition is disposed of with a direction to the respondent Nos. 3 and 4 to examine the claim of the petitioners and if it is found that due to belated fund allocation the said payment could not be made to the petitioners, the respondents are required to adopt remedial measures to



procure fund so that the arrears for the financial years 2014-15 and 2015-16 is made available to the petitioners. The entire exercise must be taken within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid the writ petition is stands disposed of.

(Anil Kumar Upadhyay, J)

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