

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13300 of 2016

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1. Basist Narayan Chaubey Son of late Ram Bachan Chaubey Resident of Village- Panapur, Police Station- Belaon, District Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar through Director, Secondary Education Bihar, Patna.
2. The Regional Deputy Director, Patna Division, Patna.
3. The District Education Officer, Rohtas at Sasaram.
4. The Head Master, High School , Premnagar, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dwivedy Surendra

For the Respondent/s : Mr. Smt.Shilpa Singh-Ga12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 06-03-2018 Heard learned counsel for the petitioner and counsel appearing for the State.

Now the controversy has boiled down to payment of salary for the period 05-09-2009 to 31-12-2009.

The dispute is whether the petitioner has worked during the aforesaid period or not.

According to petitioner, he has discharged the duty from 05-09-2009 to 31-12-2009 whereas the auditor has objected to make payment of salary for the period 05-09-2009 to 31-12-2009 and based on audit objection; respondents are disputing payment of salary for the aforesaid period.

The dispute of the period aforesaid requires factual



inquiry which can be done by the respondent on verification of record available with the respondents.

In view of the above, this writ application is disposed of with direction to the respondent- District Education Officer who shall examine the record, provide opportunity of hearing to the petitioner and take decision within a period of one month from the date of receipt/production of copy of the order and in the event, respondent No. 3 District Education Officer after verification finds that the petitioner has actually worked for the period 5-09-2009 to 31-12-2009, necessary order for payment for the aforesaid period may be passed by the respondents within a maximum period of 60 days from the date of receipt/production of copy of the order and if the claim of the petitioner is found justified, consequential order for payment of salary must be passed by the respondent No. 3 within a further period of one month from the date of finding the petitioner entitlement.

With the aforesaid observation, this writ application is disposed of.

(Anil Kumar Upadhyay, J)

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