

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12998 of 2017

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Devendra Singh Son of late Sri Gujeshwar Rai Resident of Village +P.S. -
Uchkagaon, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. Director, Adult Education, Bihar, Patna.
3. The Regional Deputy Director (R.D.D.) , Saran Division, Chapra. null null
4. The District Magistrate, Gopalganj.
5. The District Education Officer, Gopalganj.
6. The Block Education Officer, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra

For the Respondent/s : Mr. Kameshwar Kumar - GP17

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 15-05-2018

1. The petitioner, by way of the present writ petition has
prayed for directing the respondents to pay the salary for the period
October, 2001 to October, 2005.

2. The brief facts of the case are that the petitioner was
initially engaged as a peon in a scheme connected with non-formal
programme on temporary basis vide order dated 01.06.1981, however
the non-formal programme was closed with effect from the month of
April, 2001, hence vide letter dated 12.09.2001, it was directed to
inform all concerned persons associated with the said programme that
their engagement has come to an end with the closure of the



programme, whereafter the petitioner was also informed about the said decision vide Memo dated 27.09.2001. Subsequently, one Krishnanandan Pd. Singh had filed a writ petition bearing **CWJC no. 12469 of 2002** for quashing his order of termination and this Court vide order dated 23.05.2003 quashed the order of termination of the said Krishnanandan Pd. Singh. Several writ petitions were filed, relying upon the judgment passed in the case of **Krishnanandan Singh (supra)** and the same were allowed by this Court. The State Government had then filed L.P.A. against the aforesaid judgment, however the same was dismissed, whereafter the respondents had approached the Hon'ble Supreme Court and the Hon'ble Supreme Court by a judgment dated **02.03.2016 passed in S.L.P. (C) no. 12032 of 2017** allowed the Special Leave Petition of the State Government and quashed the order of the learned Division Bench as also the learned Single Judge of this Court.

3. The learned counsel for the respondents has submitted that since there is no order of reinstatement of the petitioner back into the government services and since the petitioner has not worked after his termination from service with effect from the month of September, 2001, the petitioner is not entitled to any salary, as prayed for. It is further submitted that the case of the said **Krishnanandan Singh (supra)** is absolutely different, inasmuch as the said Krishnanandan



Singh was selected pursuant to an advertisement made by the B.P.S.C. as well as pursuant to a selection process and was appointed on a regular basis as well as his services were not in any particular project or scheme, whereas the petitioner herein was appointed on a temporary basis in connection with the non-formal programme which was closed with effect from the month of April, 2001 and the petitioner was informed that his engagement has come to an end vide memo dated 27.09.2001.

4. Having regard to the facts and circumstances of the case as well as the admitted fact that the petitioner has neither worked from October, 2001 to October, 2005, the period for which he is claiming salary nor the order of termination of the petitioner has been quashed by any Court of law nor the petitioner has been reinstated into the services, there is absolutely no merit in the present writ petition and infact, the present writ petition is an abuse of the process of the Court, thus the present petition is dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	07.06.2018
Transmission Date	

