

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14325 of 2014

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Banarsi Devi W/o Late Ram Swarath Roy R/o village - Sundarpur Bantolha,
P.O. Diwaria via Choraut, P.S. Sursand, District – Sitamarhi.... .. Petitioner/s
Versus

1. The State of Bihar
 2. The Director, Secondary Education, Bihar, Patna
 3. The Regional Deputy Director, Secondary Education, Muzaffarpur
 4. The District Education officer, Sitamarhi
 5. The Headmaster, Kamla Girls High School, Sitamarhi
 6. The Headmaster, Bachopatti Narha, Pupri, Sitamarhi... .. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar
For the Respondent/s : Mr. Subhash Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-08-2018 1. Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

2. This writ petition was filed after two advance copies to the office of the Advocate General. Even four years are not enough for the respondent to respond to the writ petition and file any counter affidavit. The attitude adopted by the respondent in the instant case compels this Court to dispose of the writ petition as keeping the matter pending any further will not serve any purpose.

3. The widow of the assistant teacher has approached this Court for payment of salary which was alleged denied to her husband. Earlier the husband of the petitioner has filed C.W.J.C. No. 10281 of 2006 for payment of arrears of salary and other grievance. Precisely for the grievance of non-



payment of salary from September 2005 to 19.06.2007. The husband of this petitioner has approached in the writ proceeding and one contempt proceeding while, disposing the contempt proceeding liberty was granted to the present petitioner to raise the grievance of non-payment in an appropriate proceeding. Hence, the present writ petition.

4. The welfare State was expected to respond writ petition filed by the widow for payment of salary of her dead husband but the way respondents have conducted this case indicates the attitude of the official respondent is totally callous and indifferent.

5. The Court is constrained to direct the respondent District Education Officer, Sitamarhi to verify the record and if it is found that the petitioner's husband was entitled to payment for the period September 2005 to 19.06.2007. Appropriate order must be passed by the District Education Officer Sitamarhi within sixty days from the receipt/production of a copy of this order. The District Programme Officer is also required to ensure payment of the same within same time of 60 days. Delay in payment would carry interest at the rate of 9 per cent which shall be the responsibility of the respondent District Education Officer, Sitamarhi to pay at first instance and then recover the



same amount of interest of the earring officer responsible for delay in payment.

6. With the aforesaid, the writ petition stands disposed of.

7. On perusal of Annexure-3 the Court is certified that the order passed by the District Education Officer, Sitamarhi is without application of mind as he proceeds that there was no order of the high up for joining in this school this reason patently absurd and runs contrary to the fact that he was transferred by the Regional Deputy Director, Tirhut Division and in compliance of that order he was relieved from the erstwhile school. In that view of the matter the decision of rejection of the claim of the husband of the petitioner on the ground that there was no order of joining in the school on 24.04.2005 it appears to be absurd and none application of mind and as such order contained in Annexure-3 cannot sustained, the same is accordingly quashed. The respondent District Education Officer, is directed to pass fresh order with regard to the claim of the husband of the petitioner for payment of salary.

(Anil Kumar Upadhyay, J)

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