

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9739 of 2017

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Shilpa Kumari, Daughter of Akhilesh Prasad Singh, resident of Mohalla- Jay Prakash Nagar, Sahid Ram Govind Singh Path Near Baba Lodge, P.S.- Jakkanpur, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. Director Secondary School Education, Govt. of Bihar, Patna.
3. District Programme Officer, Jahanabad.
4. District Education Officer, Jahanabad.
5. District Programme Officer, Jahanabad.
6. District Education Officer, Jahanabad.
7. Head Master, Rajkiya Madhya Vidyalaya, Dhewar, Dist- Jahanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar
For the Respondent/s : Mr. P.R. PANDEY- AAG15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

The present writ application has been filed by the petitioner for a direction to the respondents to pay salary which is due from 24.4.2015.

From perusal of Annexure-3, it appears that correspondence in between one officer to other officers are made in connection with payment of arrears but nothing tangible came out from the correspondence.

The matter involving payment of salary only respondents are required to examine whether the appointment of the



petitioner is legal and valid and whether the petitioner has worked for the period, the petitioner is claiming salary as to the validity of the appointment and the fact that the petitioner has worked during the period, salary is claiming, is to be examined by the respondents on the basis of available record.

Since respondents have to take decision and notwithstanding the request by one officer to another officer to the education department for issuing guidelines in the matter of payment but nothing was done by the respondents.

In view of the above, instead of keeping the matter pending, the writ petition is disposed of with direction to the District Programme Officer, Jehanabad to take final decision with regard to claim of the petitioner for payment of salary and if the appointment of the petitioner is found legal and valid and the petitioner has worked during the period, appropriate order with regard to payment of arrears and current salary may be passed by the respondent District Programme Officer (Estb.), Jehanabad within a maximum period of sixty days from the date of receipt/production of a copy of this order.

In the event, the petitioner is found entitled to payment of arrears and current salary and the same is not paid within the maximum period of one month from the date of such decision,



the arrears will carry interest @ 9 per cent and the same shall be borne out from the pocket of the officers including the District Programme Officers (Estb.), Jehanabad.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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