

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1984 of 2017

=====

Poonam Kumari, Wife of Sudhir Kumar, Resident of New Colony, Chitragupt
Nagar, Kankarbagh, P.S. Kankarbagh, District-patna-800020

... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna
4. Regional Deputy Director, Patna Division, Government of Bihar, Patna
5. The Principal, Government Girls High School, Bankipur, Patna

... Respondents

=====

Appearance :

For the Petitioner	:	Mr. Kumar Kaushik, Adv.
For the Respondents	:	Mr. Madhaw Prasad Yadav, GP XXIII with Mr. Arvind Kumar, AC to GP XXIII

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 15-03-2018 Heard the learned counsel for the petitioner and

the learned counsel appearing for the State.

Mr. Kumar Kaushik, learned counsel for the petitioner, has now confined his prayer for a direction to the respondents to make payment of the salary for the period the petitioner was illegally kept out of employment on mistaken identity. In fact, another Poonam Kumari was identified, but, instead of the said Poonam Kumari this petitioner has been vexed. Now, the respondents after realizing the mistake reinstated the petitioner in view of the admitted factual position that the petitioner was wrongly terminated on account of wrong identity or misidentity. Since, the respondents themselves have admitted their mistake and rectified the same by reinstating the petitioner vide order contained in Memo No. 994, dated



07.09.2017 (Annexure 'B' to the second supplementary counter affidavit filed on behalf of respondent no. 4).

The respondents are directed to restore all the monetary benefits to which the petitioner was entitled, but, for the reason that due to their own mistake respondents have terminated the services of the petitioner as admitted by respondent no. 6 vide office order, contained in Memo No. 994, dated 07.09.2017.

In view of the above, the respondents are hereby specifically directed to ensure payment of the salary for the period the petitioner was kept out of employment due to the mistake committed by the respondents as one can not take advantage of his own wrong, which is well settled proposition of law.

Corrective measures for payment of salary of the petitioner shall be taken by the respondents within a maximum period of sixty days, from the date of receipt/production of this order.

With these observations, this application is allowed and disposed off.

(Anil Kumar Upadhyay, J)

Shamshad/-

U			
---	--	--	--

