

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2393 of 2017

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Manoj Kumar Rajak, Son of Sri Shree Deo Rajak, Resident of Rustampur,
P.S. Barhara Kothi, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Chairman, District Board, Araria.
3. The Chief Executive Officer, District Board, Araria.
4. The District Education Officer, Araria.
5. Incharge Head Master, Raj Kiya Krit Ramanugra High School, Hasakamalpur, Raniganj, District- Araria.`
6. The Treasury Officer, Araria.
7. The District Teacher's Employment Appellate Authority, Araria through its Chairman.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Rajeev Ranjan, Ac to GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioner and State.

Despite order dated 15.11.2017, no counter affidavit
has been filed.

Learned counsel for the petitioner submits that once
the lapse of the respondents has been admitted in the matter of
arbitrary removal in the decision of the District Teachers'
Employment Authority, Araria, as contained in Memo no.263
dated 23.02.2016, the petitioner is entitled to payment of back
wages on account of arbitrary decision of the respondents.

Since no counter affidavit has been filed on behalf of



respondents, despite specific direction passed by this Court vide order dated 15.11.2017, the writ application is disposed of with a direction to the respondents to consider the grievance of the petitioner for back wages on account of fact that the petitioner was illegally restrained from discharging his duty, as the petitioner was terminated contrary to the record and ignoring the merit position.

In the peculiar facts of this case liberty shall be available to the petitioner to approach the respondent nos. 2 and 3 who shall examine the claim of the petitioner objectively in accordance with law and pass reasoned and speaking order within a maximum period of three months from the date of receipt/production of a copy of this order and if it is found that petitioner has been restrained from working due to illegal decision which was set aside by the Appellate Authority, respondents shall ensure payment of back wages.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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