

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6809 of 2017

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Mithilesh Kumar, Son of Late Ram Ashish Singh, Resident of Village - Chand Chaur Janakpur, Post Office - Janakpur, Police Station- Ujiarpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Executive Officer cum Block Development Officer, Minapur, Muzaffarpur.
4. The Block Education Officer, Minapur, Muzaffarpur.
5. Sri Narendra Kumar Singh, then Block Education Officer, Minapur, Muzaffarpur, Present - Block Education Officer, Sarairanjan, Samastipur.
6. Sri Ganesh Ram, then Principal, Govt. Upper Middle School, Khemaipatti (Hindi), Block - Minapur, District - Muzaffarpur, present Govt. Middle School, Harka, Block - Minapur, District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar (In Person)
For the Respondent/s : Mr. Hari Mohan Mishra, AC to GP-27
For Respondent No.6 : Mr. Jay Prakash Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 28-03-2018

Heard learned counsel for the petitioner and State.

2. Many folds grievance have been raised by the petitioner as to the working environment.

3. He submits that he has to suffer for his uprightness and even salary was not paid to the petitioner, he has worked.

4. In the writ application he has highlighted the prevailing corruption in the matter of Mid Day Meal, Scholarship, School Development Fund etc. and as such wanted indulgence of this Court for a direction to the authorities to register criminal case and for



proper action against the erring officials.

5. Considering the scope of the writ application, this Court is not in a position to grant him the relief, as indicated above. However, liberty shall be available to the petitioner to approach the institution of Lokayukta for redressal of his grievance as to corrupt practices.

6. So far as his grievance as non-payment of salary is concerned, the respondent District Programme Officer (Establishment), Muzaffarpur is directed to examine the claim of the petitioner in accordance with law and pass appropriate order within a period of two months from the date of receipt/production of a copy of this order and if the District Programme Officer (Establishment), Muzaffarpur finds substance in the claim of the petitioner, he shall ensure payment of arrears of salary within the time frame indicated hereinabove.

7. The other issue as to transfer of his service in a school with better environment is concerned, it is the realm of the employer and the Court is refrained from passing any comment on the allegation of the petitioner as to the academic environment in and around the school in question. The other suggestion for improvement of the system highlighted by the petitioner is concerned, the petitioner may make suggestion to the officials of the education department, who



may consider it and take decision, if the suggestion of the petitioner is found reasonable and worth merit.

8. The respondent authorities including the District Programme Officer (Establishment), Muzaffarpur is hereby directed to consider the application for joining of the petitioner sympathetically considering the background of mental stress, in which he has tendered his resignation in view of the principle laid down by the Division Bench of this Court in the case of Dr. Anil Prasad Gara and Others Vs. The State of Bihar and Others, reported in 1991 (2) PLJR 384.

9. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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