

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10979 of 2015

=====

Mina Kumari wife of Rajani Prasad Singh ps. Jagdishpur ,District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Magistrate Bhojpur at Ara.
4. The District Programme Officer, (Establishment),Bhojpur at Ara.
5. The District Education Officer,Bhojpur at Ara.
6. The Block Development Officer,Jagdishpur , Bhojpur at Ara.
7. The Superintendent of Police,Bhojpur at Ara.
8. The Officer-in-charge, Jagdishpur, Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar Singh, G.P.-26

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 29-11-2018 The issue of payment requires factual inquiry as to validity and legality of the appointment. The respondents shall verify the record to ascertain whether the appointment of petitioner is legal and valid and whether the petitioner has actually worked for the period as claimed by the petitioner. District Programme Officer (establishment) is required to enquire into the factual controversy and decide.

The writ petition is accordingly disposed of with a direction to the District Programme Officer to verify the record as to legality and validity of the appointment of the petitioner and continuation in work. Petitioner must be paid salary for the



period petitioner has actually worked as taking work and denying salary is impermissible and violation of Articles 21 and 23 of the Constitution and Court cannot permit taking work and denying the salary. Respondents is directed to take appropriate decision with regard to the claim of the petitioner for payment of salary for the period petitioner has actually worked. Decision in this regard may be taken by the respondents within a period of four months from the date of receipt/ production of the copy of the order.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

U			
---	--	--	--

