

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18874 of 2013

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1. Shashi Kumari W/O Sri Sunil Kumar R/O Village Sihpur, P.O. Chandragarh P.S. Navinagar, Dist - Aurangabad
 2. Sri Arjun Kumar Singh S/O Late Madhav Singh R/O Village & P.O. Chandragarh, P.S. Navinagar, Dist - Aurangabad
 3. Sri Ram Pravash Ram S/O Sri Mohan Ram R/O Village Shivsagar, P.O. Basdiha, P.S Navinagar, Dist - Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Appellate Tribunal Aurangabad Through Its Chairman
3. The Principal Secretary, Human Resource Development Dept. Govt. Of Bihar, Patna
4. The District Magistrate, Aurangabad
5. The District Superintendent Of Education Aurangabad
6. The Panchayat Secretary Gram Panchayat Chandragarh Block Navinagar Dist - Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pritam Kumar, Advocate
For the Respondent/s : Mr. Ajay

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 03-08-2018

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

2. The grievance of the petitioners in the present writ petition is payment of salary for the period the petitioners were illegally kept out of employment.



3. Counsel for the petitioners submits that the order of termination was subsequently withdrawn by the respondents realizing their mistake. Referring to the order contained in Annexure-6, counsel submits that the District Teachers Employment Appellate Authority has passed order in favour of the petitioners in the light of the order passed by the District Magistrate, Aurangabad and in view of the above, the petitioners were reinstated by the respondents but they were denied salary for the period they were kept out of employment due to erroneous order passed by the respondents.

4. Considering the totality of the fact situation, the Court is of the view that once the respondents have admitted their own mistake in the matter of termination of the petitioners and they have reinstated the petitioners, the petitioners are entitled to continuity in service and also payment for the aforesaid period. However, in the peculiar facts and circumstances, while directing payment of salary, the Court directs 50% salary for the period from April, 2007 to 10.9.2009. The entire exercise in this regard must be completed by the respondent-District Programme Officer (Establishment), Aurangabad within a maximum period of four months from the date of receipt/production of a copy of this order.



5. The respondents are further directed to extent the benefit of continuity in service to the petitioners for all practical purposes.
6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	

