

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13292 of 2011**

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Suraj Kumar S/O Sri Yogendra Kumar R/O Mohalla- Ramana Road, P.O. -  
Bankipur, P.S.- Pirbahore, Distt.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department Of Education Bihar, New Secretariat, Patna
3. The Director, Department Of Primary Education Bihar, New Secretariat, Patna
4. The District Superintendent Of Education, Patna Collectorate Compound , Patna

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : None  
For the State : Mr. Jai Prabhat Kishore, AC to SC-13

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 10-10-2018**

This writ petition was earlier listed on different dates and for the first time on 17.8.2011 it was placed for admission but no one had appeared on behalf of the petitioner. After seven years when the case was listed on the next date, no one had appeared. In order to provide one more opportunity, today the case has been listed under the heading “For Dismissal” but unfortunately, today also no one has appeared on behalf of the petitioner. Under the compelling circumstances the Court proceeds to decide the case on the basis of the pleadings available on the record.

This writ petition was filed in the year 2011 claiming payment of salary, cost of living allowance and other allowances to the petitioner since 1.4.2004 with interest and other consequential benefits. The petitioner is claiming the aforesaid benefits on the strength of the resolution of the State Government 9.2.1973.



From the pleadings it appears that the school in question is the school where the petitioner claims that he was appointed and working as Assistant Teacher in Non-Government Subhash Madhya Vidyalaya, New Yarpur, Patna. The petitioner claims that the school in question is an aided school and the Government used to pay grant for payment of scholarship to the students. The payment of scholarship to the students of the school in question does not mean that the school has been taken over. Reference to the inspection report dated 31.3.2006 contending that the school in question was functioning and imparting education is not a ground to ensure payment of salary. The Court cannot issue any positive direction in the instant case to ensure payment of salary to the petitioner. However, liberty shall be available to the petitioner to approach the competent authority if similarly circumstances other has been paid salary on the ground of equality in the matter of payment of salary.

Accordingly, the Court does not find any merit in this writ petition. It is, accordingly, dismissed.

spandey/-

(Anil Kumar Upadhyay, J)

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| AFR/NAFR          | NAFR       |
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