

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19937 of 2011

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Anil Kumar, Son of Late Ram Chandra Singh, Resident of Village - Thahar, P.O.-
Thahar, P.S.- Khajauli District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar,
Patna
3. The District Magistrate, Madhubani
4. The District Superintendent Of Education, Madhubani
5. The District Provident Officer, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate

For the Respondent/s : Mr. AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 22-06-2018

Heard learned counsel for the petitioner and State.

2. The petitioner is aggrieved by the office order dated 20.04.2011, as contained in Annexure-1, whereby the respondents have decided to recover the alleged excess amount.

3. The reasons indicated in the order appear to be absurd and totally non-application of mind. The respondents admitted that the petitioner was on duty in connection with Election Department, invigilation work and Election work for the period, but they took the plea that since the petitioner was not performing his original duty of imparting instruction and as such the petitioner is not entitled to salary for the aforesaid period.



4. Time and again, this Court as well as the Apex Court has reminded the authorities of the Bihar not to utilize the teacher for other than teaching work, but for every extra teaching activity the teachers are involved.

5. Since the teachers have no option, but to discharge the responsibility assigned by their superior and controlling officer and for carrying such duty, if they have to face the consequence of the denial of salary and recovery, then somebody from the government has to take the responsibility for such absurd decision.

6. Since this order is arbitrary and whimsical exercise of power, the Court cannot approve such order. Accordingly, the order as contained in Annexure-1 dated 20.04.2011 is quashed. The respondents are directed to forthwith restore all the benefit to the petitioner, as consequence of quashing of order as contained in Annexure-1.

7. In the facts of the case, the Court directs the Principal Secretary, Education Department, Government of Bihar to ensure that henceforth no officers in the Education Department may take such decision on the line of Annexure-1. In the event, such decisions are noticed by this Court, the Court may consider the desirability of fixing the accountability and imposing heavy cost on



the respondent authorities.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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