

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3898 of 2017

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Rajdeo Thakur Son of Awadh Narain Thakur Resident of Village- Ahiari, P.s.
Kamtaul, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Human Resources Development Department, New Secretariat, Patna.
3. The Additional Secretary Human Resources Development Department, New Secretariat, Patna.
4. The Special Director, Secondary Education (Sanskrit) , New Secretariat, Patna.
5. The Bihar Sanskrit Siksha Board through its Chairman, Boring Road, Patna.
6. The Secretary Bihar Sankrit Siksha Board through its Chairman, Boring Road, Patna.
7. The District Magistrate, Darbhanga.
8. The District Education Officer, Darbhanga.
9. The Head Master, Gautam Sanskrit High School, Ahilyasthan, P.O.- Ahilyasthan, P.S.- Kamtaul, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey-AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 01-05-2018 Pursuant to the order dated 28.3.2018 on behalf of the respondent-District Education Officer, Darbhanga, a counter affidavit has been filed wherein the respondents have made the following statements in paragraphs 5 and 6, which is quoted below for ready reference.

“5. That it is submitted that now the petitioner has rated new admitted dues in this writ application since no bills of the petitioner is pending before this respondent, he wrote a letter no the respondent No. 9 i.e. Headmaster Gautam Sanskrit High



School to send the pending bill of the petitioner under 6th Pay Revision Committee recommendation for the period 1.4.2013 to 31.1.2016 after completing all formalities.

“6. That it is submitted that this respondent is ready for the payment of the admitted dues of the petitioner since the bills of admitted dues has not been sent by the Headmaster to this respondent. No payment has been done by this respondent. The respondent has written a letter to Respondent No. 9 for sending the bills of the admitted dues for the earliest payment. As soon as the bills of admitted dues will come before this respondent necessary steps will taken for the payment of the same.

In the counter affidavit the respondents have shifted the responsibility on the Head Master of the School. Their stand is that the Head Master of the school is not co-operating and as such the petitioner has not been paid dues.

In view of the admission on the part of the respondents in the previous as well as present counter affidavits, there is no dispute as to entitlement of the petitioner: the only difficulty expressed by the respondent is lack of co-operation on the part of the Head Master, respondent No. 9 to ensure compliance. The Court does not approve helplessness expressed by the District Education Officer in the present case. The



respondent District Education Officer is not helpless. He has all the authorities to ensure payment dues of the petitioner and if necessary to take coercive step.

In the totally of the facts situation ends of justice requires that the respondent District Education Officer may be directed to see payment to the petitioner within a maximum of 60 days from the date of receipt/production a copy of this order.

If for any reason the Head Master, respondent No. 9 is not extending co-operation liberty shall be available to the District Education Officer to stop the salary of the Head Master until dues of the petitioner are cleared.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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