

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13417 of 2014**

=====

Ram Swarath Mahto, Son of Late Agnu Mahto, resident of village and P.O.  
Faknaut, P.S. Khodabandpur, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna
3. The Regional Deputy Director of Education, Munger
4. The District Superintendent of Education, Begusarai
5. The Accountant General, Birchand Patel Path, R-Block, Bihar, Patna

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Advocate  
For the State : Mr. A.K.ChoudharyAAG-13

=====

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

**Date : 30-07-2018**

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

2. The petitioner is aggrieved by the order dated  
10.12.2013, Annexure-12 to the writ petition, whereby the  
Director, Secondary Education, while closing departmental  
proceeding, rejected the claim of the petitioner for acceptance of  
his joining.

3. Manifold arguments have been advanced to  
substantiate that the petitioner was not at fault as he had submitted  
joining on 14.1.1993, Annexure-11 to the writ petition and  
thereafter he kept on making attendance in the Headquarters fixed  
by the respondents but petitioner was not paid salary. From the  
order dated 10.12.2013, Annexure-12 to the writ petition, it



transpires that the departmental proceeding was closed after 24 years, in the meanwhile, the petitioner superannuated on 28.2.2005.

4. In the aforesaid circumstances, when the departmental proceeding was closed by the respondents, they are required to consider the case of the petitioner for payment of salary by entering into a detailed enquiry whether the petitioner had submitted his joining on 14.01.1993 or not. The respondents are further required to verify the record and ascertain whether the petitioner has marked his attendance at the Headquarters for the purpose of payment of salary and if it is found that he has marked his attendance at the Headquarters after revocation of suspension, necessary order for payment of petitioner may be passed fixing accountability on the person, who had not allowed payment to the petitioner. If on enquiry it appears that petitioner had no valid documents to claim salary including attendance marked in the Headquarters, then the respondents are free to pass appropriate order rejecting the claim of the petitioner for payment of salary based on Annexure-11. In case it is found that the petitioner had submitted his joining on 14.1.1993 and he was not allowed to work despite marking attendance then responsibility may be fixed on the erring District Education Officer, Begusarai, who denied



salary after 14.1.1993 upto the date of superannuation despite attending the Headquarters in the office of District Education Officer, Begusarai.

5. The aforesaid order is necessitated on account of the fact that the respondents have consumed 24 years time in concluding the departmental proceeding initiated against the petitioner in the year 1986 and closed the same on account of its inconclusiveness.

6. In view of the above, the respondents are directed to examine the record and if it is found that the petitioner has submitted joining vide Annexure-11 and has marked attendance, the respondents are required to ensure payment of salary from the date the petitioner had presented himself in the office of the District Education Officer, Begusarai and marked his attendance.

7. With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 01.08.2018 |
| Transmission Date |            |

