

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13643 of 2014

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Kumari Nitu Sinha Daughter of Sri Sant Kumar Srivastava Resident of village- Manjhan Chapra, Post Office+ Police Station- Mehashi, district- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Primary Education, Government of Bihar, at Patna.
2. The Director, Primary Education, Government- of Bihar at Patna.
3. The District Magistrate, District- East Champaran at Motihari.
4. The District Education Officer, East Champaran at Motihari.
5. The District Programme Officer, East Champaran, Motihari.
6. The Block Development Officer, Mehasi, East Champaran at Motihari.
7. The Block Education Extension Officer, Mehasi, East Champaran at Motihari.
8. The Panchayat Secretary Gram Panchayat Raj Bakhari Nazir, Block Mehasi, District- Motihari, East Champaran.
9. The Principal, New Primary School, Sakun Rai, Tola- Bakhari Nazir, Block- Mehasi, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Advocate
For the Respondent/s : Mr. Anwar Kaum, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-08-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner has earlier approached this Court in CWJC No. 3181 of 2013, which was disposed of vide order dated 27.02.2013. After the order contained in Annexure-13 dated 27.02.2013, the District Teacher Employment Appellate Authority re-examined the matter and passed order contained in Annexure-14. The order contained in Annexure-14 indicates that the earlier order passed by the tribunal terminating the service of



the petitioner was based on misleading fact and on verification of the record, the appellate authority held out that the termination order passed by the Tribunal was based on error of record and as such the tribunal passed the order contained in Annexure-14 for reinstatement of the petitioner.

In the present proceeding the grievance of the petitioner is for non payment of salary for the period of 19th February 2013 to 3rd of May 2013 that is after the order of the Tribunal dated 04.09.2013 and the actual reinstatement of the petitioner on 3rd of May 2013.

Considering the totality of the fact situation, when the Tribunal has committed the error in directing the termination of the service of the petitioner and after the order of the writ Court contained in Annexure-13 where the Tribunal has directed to reinstate the petitioner, the respondent were required to make payment of salary for the period between 04.09.2013 to the date of actual order of reinstatement, the respondents were also required to treat the service of the petitioner as continuous service from the date of initial appointment as termination of the petitioner was based on mistake of fact/error of record.

Accordingly, the respondents are hereby directed to workout the entitlement of the petitioner for payment of salary



from 04.09.2013 to 03.05.2013 and also treat the service of the petitioner as continuance service from the date of initial appointment .

In this regard necessary decision may be taken by the respondent within a maximum period of 3 months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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