

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23396 of 2012

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Laxmi Ram Son Of Late Subansh Ram Resident Of Village Mainapatti, P.O. - Maheshwara, P.S. Babubarhi, District - Madhubani, Retd. Assistant Teacher, Middle School Sukki, P.O. & P.S. Khajauli, District Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resource Development Department, New Secretariat, Vikas Bhawan, Patna
3. The Director (Primary), Primary Education, Human Resource Development, New Secretariat, Vikas Bhawan, Patna
4. The Collector, Madhubani
5. The District Superintendent Of Education Now District Programme Officer Madhubani
6. The Block Education Extension Officer, Khajauli
7. The Headmaster Cum Drawing & Disbursing Officer, Middle School, Village Sukki, Khajauli Circle, District Madhubani
8. Sri Pawan Kumar Ray, Headmaster Cum-Drawing & Disbursing Officer, Middle School, Sukki, Khajauli Circle, District Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate
For the Respondent/s : Mr. Pankaj Kumar Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 12-10-2018 The present writ petition has been filed by the petitioner for a direction to the respondents to pay salary for the strike period by adjusting the same against earned leave, payment of salary for the month of February, 2000, difference of salary from 1.4.1997 to December, 2002 and April 2007 to July, 2007.

The question of payment of salary for the strike period by adjusting the same as earned leave, is no more res integra in view of the judgment of the Apex Court in the case of



State of Bihar Vs. Sunny Prakash: (2013) 3 SCC 559. The respondents have to take appropriate decision with regard to the adjustment of the period of strike against earned leave and to ensure payment of salary. So far as the difference of salary is concerned, the respondents have to examine the record and if it is found payable then ensure payment thereof. While deciding the aforesaid claim of the petitioner, respondents shall also examine and decide any other arrears payable to the petitioner and ensure payment thereof. The entire exercise must be completed within a maximum period of four months from the date of receipt/production of a copy of this order

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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