

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21453 of 2014

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1. Ram Lakhan Choudhary, Son of Brahamdev Choudhary, Resident of House No-117, Village and Post Office - Oriyama, P.S- Ekangarsarai, District - Nalanda.
 2. Kumari Arti Mala, Wife of Ramlakhan Choudhary, Resident of Village - Karhara, P.S- Ghoshi, District - Jehanabad.
 3. Umesh Kuamr, Son of Vindeshwar Choudhary, Resident of House No-43, Village - Karhar, P.S- Ghosi, District - Jehanabad.
 4. Sildendra Kumar, Son of Vindeshwar Choudhary, Resident of Village - Mahmadpur, P.S- Madanganj, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Human Resources Development, Bihar.
2. The District Education Officer, Nalanda.
3. The Block Development Officer, Islampur, District - Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Santosh Chandra Bhaskar, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 13-08-2018

Heard learned counsel for the petitioners and State.

2. The petitioners have filed the present writ application being aggrieved by the stoppage of salary.

3. This application was earlier listed on different dates under the heading for admission, but no one appeared on behalf of the petitioners to assist the Court. In the aforesaid circumstance, the case is listed today under the heading "For Dismissal" to provide one more opportunity to the petitioners to assist the Court, but no one appears on behalf of the petitioners.



4. On behalf of the respondent, stand has been taken that pursuant to the direction of this Court in Public Interest Litigation vigilance enquiry was undertaken and verification of the validity of the certificate of the petitioners and others started by the respondents. He submits that under the aforesaid circumstance, payment of salary was stopped where the respondents have definite information, as to forged and fabricated certificate used by the individual for procuring appointment.

5. After filing the writ application in 2010, no step was taken by the petitioners for listing of the case and once the case was listed, no one appeared on behalf of the petitioners.

6. Under the aforesaid circumstance, no positive direction can be issued for payment of salary. However, on the basis of pleading available on the record, the writ application is disposed of with a direction to the respondents to examine the validity of the certificate of the petitioners obtained from Board of Higher Secondary Education, Delhi and if it is found that the certificates of the petitioners are genuine, the respondents may take steps for payment of salary for the period the petitioners have actually worked and in the event the certificates of the petitioners are not found genuine, no order needs to be passed for payment of salary. Entire exercise in this regard must be completed within a maximum period of four months from the



date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.08.2018
Transmission Date	

