

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14643 of 2014

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Mithilesh Prasad Singh Son of Late Madan Singh resident of village
Pratappur, P.S. Kajra, P.O. Pratappur, District Muzaffarpur.

... .. Petitioner/s

Versus

1. State of Bihar through Principal Secretary, HRD, Patna.
2. Director Primary Education, Government of Bihar Vikas Bhawan, Patna.
3. District Superintendent of Education, Bihar.
4. Regional Education Officer, Kanti, Muzaffarpur.
5. District Magistrate, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhuri Lata
For the Respondent/s : Mr. Sc-5 Satyadeo Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 03-10-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is aggrieved by indecisiveness on the part
of the respondents in the matter of treating the period of his
custody from 24.12.2008 to 30.05.2009.

Learned counsel for the petitioner submits that earlier
the petitioner has filed C.W.J.C. No. 17868 of 2010 which was
disposed of on 15.5.2014 whereby liberty was granted to the
petitioner to take action in accordance with law for payment of
salary.

Mr. Birendra Kumar Sinha, learned Sr. counsel
appearing on behalf of the petitioner submits that
notwithstanding the fact that petitioner has approached the



respondents by way of filing representation for payment of salary for the aforesaid period of his custody vide Annexure-4 but till date the respondents have not passed any order. Annexure-4 is anterior to the order dated 15.5.2014.

Considering the fact that after order dated 15.5.2014 the petitioner was required to file fresh representation for consideration of his case for appropriate decision how to treat that period whether as breaking service or it should be treated as no work no pay.

Considering the fact that respondents are indecisive how to treat that period, the writ petition is disposed of with liberty to the petitioner to file fresh representation alongwith a copy of this order. In case, such representation is filed within a period of one month alongwith a copy of this order, the respondents will decide the aforesaid period of custody in accordance with law.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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