

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4312 of 2018

Shivachandra Gupta son of Late Ram Narayan Sah resident of village Hardia,
P.S. Shikarpur, P.O. Narkatiyaganj, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The District Programme Officer (Establishment), West Champaran at Bettiah.
4. The District Education Officer , West Champaran at Bettiah.
5. The Block Development Officer cum Secretary Block Teacher Appointment Unit, Chanpatia, District West Champaran.
6. The Block Education Officer, Chanpatia, District West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey-Aag15

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 28-11-2018

The short point raised by counsel for the petitioner is that his salary has been stopped alleging that he is not handing over charge to one Vidyanand Yadav, who has been posted in his place as teacher at Rajkiya Uchha Madhya Vidyalaya Brijbania under Chanpatia Block in the District of West Champaran.

Counsel for the petitioner submits that such deprivation of salary without any departmental proceeding is not sustainable in the eye of law. He submits that on 30.11.2017 he has intimated the District Programme Officer (Establishment) West Champaran highlighting the fact that he is ready to hand over charge to the said Vidyanand Yadav, but he is not coming forward to take over charge. He submits that for such failure on the part of said Vidyanand Yadav, he cannot be made to suffer by way of deprivation of salary since November, 2017. The



District Programme Officer (Establishment) has not taken any steps to redress the grievance of the petitioner to ensure that the said Vidyanand Yadav assumes charge from the petitioner and that salary is paid to the petitioner.

In view of such situation, interest of justice would be served by directing the respondent no. 3, the District Programme Officer (Establishment) to ensure that arrangements be made to enable petitioner to hand over charge within a week from the date of receipt/production of a copy of this order. If the respondent no. 3 does not ensure handing over charge within a week from the date of receipt/production of a copy of this order, and if there is no other impediment the petitioner would be entitled to payment of arrears of salary and grant of current salary, within a period of three weeks thereafter.

Writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

