

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3527 of 2018

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Yogendra Singh, son of Late Sukhdeo Singh, XTII, Marium Tola, Post Digha
Ghat, Police Station Digha, Patna 800011.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The State Project Director, Bihar Rajya Shiksha Pariyojana Parishad, Patna.
3. The (Erstwhile) Bihar Mahila Samakhya Society, Red Cross Building, 2nd Floor, North Gandhi Maidan, Patna, through the State Project Director, Bihar Rajya Shiksha Pariyojana Parishad, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate
For the Respondent/s : Smt. Shilpa Singh- GA12
For the BEPC : Mr. Girish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the petitioner and learned counsel for
the State as well as Bihar Education Project Council.

In the present writ petition, the petitioner is seeking relief to
pay the arrears of salary since January 2016 to 06.06.2017 @ Rs.
7,500/-.

Bihar Mahila Samakhya Society was created and the funding
was being made by the Central Government, ultimately that society
has been closed, whatever the assets and liability that has been
merged to the Bihar Education Project Council.

As per learned counsel for the petitioner, petitioner is working



since initiation of the society but certain payment has not been made to him, it has claimed that he has not been paid the salary from January 2016 to 06.06.2017 i.e. one and half year. Now the society is not in existence.

Learned counsel for the Bihar Education Project Council wrote a letter to the Central Government about the outstanding dues of different societies working in the State of Bihar and has given the estimate of Rs. 01,62,21,598.43 and out of that Rs. 1,10,08,000.00 has been received by the society.

Learned counsel for the petitioner submits that vide Letter No. dated 17.10.2017, the society has decided to make payment on pro rata basis but payment of single farthing has not been made to the petitioner.

Learned counsel for the Council submits that this writ petition is not maintainable since this society does not come meaning the meaning of the State or the instrumentality of State under Article 12 of Constitution of India. However, the amount of Rs. 1,10,00,000/- has been received by the society and the same has been distributed to the different societies operating in State of Bihar. It is apparently clear from the letter bearing no. 8266 dated 17.10.2017 that Patna Unit has received Rs. 1,10,00,000/- but the petitioner submits that he has not received the due salary as the petitioner is not employee of the Bihar



Education Project Council no direction can be issued to Project Council.

Learned counsel for the petitioner submits that the petitioner has received only Rs. 10,000/- from that society but rest amount has not been paid to him. Whatever amount the petitioner is entitled, liability will be of the Central Government. Petitioner is not employee of the society as he has not worked in the Bihar Education Project. It appears that the money has been transferred to the Bihar Mahila Samakhya Society, so petitioner should approach to the head of the Bihar Mahila Samakhya Society for payment of his salary.

With the aforesaid observation and direction this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.08.2018
Transmission Date	NA

