

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23013 of 2012

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Rakhi Kumari, D/O Bishwanath Thakur, and W/o Bibhuti Kumar, Resident of
Village- Bharaili, P.O- Pothiya, P.S- Falka, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Human Resources Development Education Department, Bihar,
Patna.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. The District Education Programme Officer, (Establishment) Katihar.
6. The Block Development Officer, Falka Katihar.
7. The Block Education Extension Officer, Falka, Katihar.
8. The Head Master, Naya Prathmik Vidyalaya, Chhappana Gram Panchayat
Rahtha, P.S- Falka, District- Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abdul Wadood, Advocate
Mr. Braj Kishore Singh, Advocate
For the Respondent/s : Mr. Balram Kapri, Ac to SC-26

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 24-09-2018

Heard learned counsel for the petitioner and the
respondents.

2. The petitioner has filed the present writ
application on 12.12.2012. Nearly six years have passed, but neither
the counter affidavit has been filed nor the grievance of the petitioner
has been redressed.

3. The present writ application has been filed for a
direction to the respondents to allow the petitioner to work and mark
her signature in the attendance register.



4. The petitioner was appointed in 2010 vide Annexure-1. Thereafter the joining of the petitioner was accepted vide Annexures-2 and 2/1. Thereafter the petitioner was not allowed to mark her signature on the attendance register by the headmaster of the school where the petitioner was posted. The petitioner was appointed and allowed to work on the post, the respondent cannot deny to mark attendance and also cannot deny salary.

5. Since the respondents have not filed any counter affidavit for period of six years, the Court cannot keep the matter pending for infinite for awaiting counter affidavit of the respondents. The Court is constrained to dispose of the writ application with a direction to the District Programme Officer (Establishment), Katihar to enquire into the matter and take appropriate corrective measures directing the concerned headmaster of the school to allow the petitioner to mark her attendance on the attendance register. On enquiry, if the appointment of the petitioner is found legal and valid the District Programme Officer (Establishment), Katihar is under obligation to see that the petitioner is paid the salary for the period she has actually worked.

6. Necessary decision on the claim of the petitioner for allowing her to mark attendance and payment of salary must be taken by the District Programme Officer (Establishment), Katihar



within a period of four months from the date of receipt/production of a copy of this order.

7. It is made clear that the respondents have to ensure payment of all consequential benefits to the petitioner within the time frame of four months as indicated herein above.

8. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2018
Transmission Date	

