

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3149 of 2018

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Sima Kumari, Daughter of Late Ram Nagina Sinha, Wife of Shri Amarendra Kumar Singh, Resident of Village- Mirzapur, Post Office- Mirzapur (Khurd Lauwa), Police Station- Janta Bazar, District- Saran at Chapra. at present posted and working as Prakhand Teacher in Govt. Middle School Lahladpur, Block- Lahladpur, District- Saran. Petitioner/s

Versus

1. The State of Bihar.
 2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
 3. The Director, Primary Education, Bihar, Patna.
 4. The District Magistrate, Saran at Chapra.
 5. The District Education Officer, Saran at Chapra.
 6. The District Programme Officer (Establishment), Saran at Chapra.
 7. The Prakhand Pramukh-cum-the Chairman of Prakhand Teacher Selection Committee, Prakhand Lahladpur, Block- Lahladpur, District- Saran at Chapra.
 8. The Block Development Officer-cum-Member Secretary of Prakhand Teacher Selection Committee, Block Lahladpur, District- Saran at Chapra.
 9. The Block Education Officer, Lahladpur, District- Saran at Chapra.
 10. The Drawing Disbursing-cum-Headmaster of Govt. Middle School Lahladpur, Block- Lahladpur, District- Saran at Chapra. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. M. Pd. Yadaw-GP23
Mr. Arvind Kumar GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-03-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Counsel for the petitioner submits that the petitioner was validly appointed after due selection process and was paid salary up to November,2015 and thereafter, the respondents arbitrarily stopped the salary without assigning any reason and without opportunity of hearing.

The issue of payment of salary depends on the fact that the incumbent is validly appointed and has worked on the post during the period, salary is claiming. These two factual enquiry is to be done by the respondents on verification of the record



available with the respondents.

Under the aforesaid circumstances, the court deem fit and proper to direct the respondent District Programme Officer (Establishment),Saran at Chapra to examine the relevant record to ascertain whether the appointment of the petitioner is legal and valid and also whether the petitioner has worked for the period December,2015 on wards and if it is found that appointment of the petitioner is legal and valid and petitioner is regularly discharging responsibility uninterruptedly since December,2015 till date, necessary order for payment of arrears and current salary may be passed and other respondent nos. 7 to 10 are required to act accordingly and ensure payment of salary in terms of determination on the claim of the petitioner by the respondent District Programme Officer (Establishment),Saran at Chapra,

Final decision in this regard may be taken within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

Ravi/-

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(Anil Kumar Upadhyay, J)

