

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13211 of 2017

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Nageshwar Prasad son of Sri Domi Paswan Resident of Village - Sondiha,
P.O. Chutiya, P.S. Shambhuganj, District - Banka presently working as Block
Teacher, Up-graded Middle School, Lalwa More, Block - Shambhuganj,
District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
4. The District Education Officer, Banka, District - Banka.
5. The District Program Officer (Establishment), Banka, District - Banka.
6. The Block Development Officer, Shambhuganj, District - Banka.
7. The Block Education Officer, Shambhuganj, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Anita Kumari, Advocate
For the Respondent/s : Mr. Narendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 15-05-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is non-payment of salary despite the petitioner is discharging the duty. The reason for non-payment appears to be that the petitioner has obtained the degree of Madhyama from Hindi Sahitya Sammelan, Allahabad. From the letter annexed in



the counter affidavit dated 15.03.2016, it appears that Hindi Sahitya Sammelan, Allahabad was de-recognised vide letter No. 3152 dated 25.08.2008 as per the communication of the District Programme (Establishment), Banka.

Learned counsel for the petitioner submits that the petitioner was initially appointed as Shiksha Mitra on 20.02.2006 and subsequently by virtue of operation of the 2006 Rules the petitioner was made Panchyat Shikshak and as such de-recognization of the institution vide letter No. 3152 dated 25.08.2008 will not adversely affect the petitioner as the said letter de-recognizing the Hindi Shahitya Sammelan, Allahabad will not operate retrospectively.

In the aforesaid circumstances, the writ petition is disposed of with a direction to the respondent Nos. 4 and 5 to examine whether the appointment of the petitioner is prior to the date when the degree obtained from Hindi Shahitya Sammelan, Allahabad was de-recognized and in that situation the respondents are supposed to make payment of the salary to the petitioner as the letter No. 3152 dated 25.08.2008 cannot operate retrospectively. Decision in this regard must be taken by the respondents within a period of 60 days from the date of receipt/production of a copy of this order.



With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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