

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11852 of 2017

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Smita Kumari, Wife of Rajeev Kumar, Daughter of Ashok Kumar Singh,
Resident of Village and Post- Bishnupur Banday, P.S.- Bhagwanpur,
District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The District Education Officer, Vaishali, Hajipur.
3. The District Programme Officer, Vaishali, Hajipur.
4. The Block Development Officer cum Secretary, Block Teachers Selection Committee, Sadei Bujurg, District- Vaishali, Hajipur.
5. The Block Education Officer, Sahdei Bujurg Block, District- Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar, Advocate

For the Respondent/s : Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 22-02-2018 Heard learned counsel for the petitioner and State.

The petitioner has filed the present writ application with a direction to the respondents to make payment of monthly salary. In the writ application, there is assertion that the petitioner's appointment is legal and valid and he has received salary up to March, 2016 and thereafter his salary has been stopped in the name of verification of the certificate and document pertaining to appointment.

In para 3 onwards of the counter affidavit stand has been taken by the respondents that pursuant to the orders of this Court Vigilance enquiry was undertaken and in the meeting dated



13.06.2016, the District Programme Officer (Establishment), Vaishali and all Block Education Officers of Vaishali District attended the meeting and verification with regard to the merit list was prepared in connection with 2nd phase of Teachers appointment is still undertaken. In para 28 and 29 of the counter affidavit, the respondents have admitted the fact that the name of the petitioner figured in the merit list. Para 28 and 29 of the counter affidavit is quoted herein below:

“28. That with regards to the para 22 of the petition it is stated that the Executive officer Panchayat Samiti-cum-Member Secretary, Block Employment Unit, Sahdeo, Buzurg after availability of merit list for Ex-Block Resources Employee in which the petitioner's name has been figured sought guidelines from the D.P.O. (Establishment), Vaishali regarding payment of salary.

29. That with regards to the para 23 of the petition it is stated that the payment of salary to the petitioner is already in progress in terms of letter no.1901 dated 17.10.2017 of Executive officer Panchayat Samiti-cum-Member Secretary, Block Employment Unit, Sahdeo, Buzurg addressed to the B.E.O. Sahdeo Buzur subject to realization of salary along with interest in case it is found that appointments are irregular.”

In view of the averment made in para 28 and 29 of



the counter affidavit, the writ application is disposed of with a direction to the respondents to ensure payment of arrears of salary and current salary of the petitioner in the light of their own decision, as contained in Annexure-G to the counter affidavit, and entire payment in this regard must be paid to the petitioner within a maximum period of 60 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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