

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12367 of 2018

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Abhinandan Ram, son of Moti Ram, resident of village- Jagdishpur, P.S.-
Kashichak, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary of Education Department, Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Sub Divisional Officer, Nawada.
4. The Block Development Officer, Kashichak, District- Nawada.
5. The Block Welfare Officer, Kashichak, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Deo Raj, Advocate
For the Respondent/s	:	Mr. Kumar Kamal Nayan, A.C. to SC-28

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 03-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking payment of
salary of Vikash Mitra from January, 2016 to till date.

The petitioner has been appointed as Vikash Mitra,
but one Rajiv Manjhi filed a complaint that he has wrongly been
deprived of the appointment and on that account the petitioner
has not been paid the salary.

Learned counsel for the petitioner submits that as
Rajiv Manjhi was not an applicant, the question of consideration
of his appointment does not arise.



This Court is of the view that if the petitioner has discharged the duty of Vikash Mitra, in such circumstance, he is entitled to the payment of salary for the period he has discharged the duty. In the present case, the nature of appointment is not under consideration, but only confined to payment of salary, it goes without saying that a person cannot be deprived of the salary for the period he has done the work.

Let the petitioner file a detailed representation to the District Magistrate, Nawada. If such a representation is filed, the District Magistrate, Nawada, will examine the case of the petitioner after calling the records and take decision in accordance with law. If it is found that the petitioner has worked during that period, in such circumstance, the payment of salary must be paid to the petitioner within eight (8) weeks from the date of decision of the District Magistrate, Nawada.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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