

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12768 of 2018

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Sanjay Kumar Verma S/o Late Ramdas Prasad Verma, R/o Village- Barahiya,
P.S. Barahiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, New Secretariat,
Government of Bihar, Patna.
3. The District Education Officer, Begusarai.
4. The District Programme Officer, Begusarai.
5. Block Development Officer, Matihani, Begusarai.
6. The Block Education Officer, Matihani, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Advocate
For the Respondent/s : Mr.Arbind Kumar Singh, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner has filed the present writ petition for a
direction to the respondents to pay salary for the period earlier
to his joining.

Learned counsel for the petitioner submits that the
petitioner's appointment was delayed by the respondents and
therefore, the petitioner cannot be made to suffer on account of
delay caused by the respondents.

Considering the fact that the petitioner has joined after
the order of the District Teachers Employment Appellate



Authority, the Court does not find it a fit case to grant indulgence for payment of salary for the period prior to the date of his joining. If the delay in appointment is caused by the respondents then delay shall be only relevant for the purpose of counting seniority and for continuity of service and not for the purpose of payment of salary.

The writ petition is disposed of with a direction to the respondents to count the period prior to appointment for continuity of service and seniority in view of the fact that the tribunal has admitted his entitlement for appointment but there was delay in making appointment. Necessary decision in this regard must be taken by the respondents for granting benefit of continuity of service from the date the petitioner was entitled for appointment which was delayed by the respondents.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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