

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16168 of 2018**

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Mamta Kumari Singh Wife of Sri Naresh Prasad Ray, Daughter of Late Rajnandan Singh, r/o Mohalla- Jhajha Purani Bazar, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna, District- Patna.
3. The Director, Primary Education, Government of Bihar, Patna, District- Patna.
4. The District Magistrate, Jamui, District- Jamui.
5. The District Education Officer, Jamui, District -Jamui.
6. The District Programme Officer, Establishment Education, Jamui, District- Jamui.
7. The Block Development Officer Jhajha, District- Jamui.
8. The Block Education Officer, Jhajha District- Jamui.
9. The Nagar Panchayat Teacher Employment Committee, Jhajha, District- Jamui through its Secretary.
10. The Executive Officer-cum-Secretary, Nagar Panchayat Teacher Employment Committee, Jhajha, District

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Mrityunjay Kumar, Advocate |
|                      |   | Mr. Arinjay Kumar, Advocate   |
| For the Respondent/s | : | Mr.Arvind Kumar, AC to GP -23 |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

4      11-07-2019                      Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is aggrieved by the action of the respondents for non-payment of salary for the period the petitioner was kept out of employment.

Learned counsel for the petitioner submits that the Apex Court has granted interim relief and finally decided in



favour of the petitioner and other similarly circumstanced. In view of the order of the Supreme Court non-payment of salary to the petitioner for the period the petitioner was kept out of employment is illegal.

If the Apex Court has granted interim relief that no person shall be disturbed on account of non-passing of the TET and if the petitioner was kept out of employment in teeth of the interim order then the respondents have to consider the case of the petitioner for grant of salary for the period the petitioner was kept out of employment despite the interim order passed by the Apex Court otherwise, it will amount to gross contempt of the court.

The writ petition, in the facts and circumstances of the case, is disposed of with a direction to the respondents to verify the record and if it is found that the interim order was passed by the Apex Court restraining removal then the respondents have to ensure payment of salary for the period the petitioner was kept out of employment. Necessary decision on verification of the record in the light of the order of the Apex Court and after perusal of the order of the Supreme Court, must be taken by the respondents within a period of sixty 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)**

spandey/-

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