

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18818 of 2018

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Dilip Chaudhary, Son of Late Ganaur Chaudhary, Resident of Village -
Bagmusa, P.O. Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Vaishali.
4. The District Programme Establishment, Vaishali.
5. The Civil Surgeon-cum-Chief Medical Officer, Vaishali.
6. The Block Education Officer, Hajipur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Ranjan, Advocate Mr. Vasant Vikas, Advocate
For the Respondent/s	:	Smt. Binita Singh- SC-28 Mr. Apurv Harsh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and the State.

The grievance of the petitioner in the present writ application is discrimination in the matter of payment of salary on reinstatement.

This writ petition was filed on 17.09.2019 after service of two advance copies in the office of Advocate General, but unfortunately no counter affidavit has been filed in the instant case.

Learned counsel appearing on behalf of the petitioner submits that the respondents have to follow the State Litigation Policy, 2011 and in paragraph 4(c) the respondents are obliged



to extend similar treatment, but contrary to the policy decision, the respondents have not extended the same benefit to this petitioner on reinstatement and similarly circumstanced others were granted the benefit of arrears of salary on reinstatement but the petitioner was denied.

Considering the aforesaid, the writ application is disposed of with a direction to the respondents to take appropriate decision on the claim of the petitioner within a maximum period of 60 days from the date of receipt/production of a copy of this order.

While taking decision, the respondents keep in mind that no work no pay is applicable in the case where the petitioner was not allowed to work. They have also to consider the case of the petitioner in the light of the case of similarly circumstanced and there is no justification to deny the same to the petitioner.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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