

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8852 of 2018

Dayashankar Kishor Nishad @ Daya Shankar Kishor Nishad, S/o Yugeshwar Prasad Nishad, R/o Mohalla- Simra, P.O.- Shreekant, P.S.- Piya, District- Muzaffarpur, PIN- 843115.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Bihar
2. Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
3. Commissioner of the Division, Tirhut Division, Muzaffarpur.
4. District Magistrate, Muzaffarpur.
5. Regional Deputy Director, Education, Tirhut Region, Muzaffarpur.
6. District Education Officer, Muzaffarpur.
7. District Programme Officer Establishment, Muzaffarpur.
8. Block Education Officer, Gayghat, Muzaffarpur.
9. Panchayat Secretary, Primary School, Mahuara Kanya, Gram Panchayat- Kanta Pirauncha Dakshini, Block
10. Headmaster, Primary School, Mahuara Kanya, Gram Panchayat- Kanta Pirauncha Dakshini, Block- Gayghat

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate
For the Respondent/s : Mr. S. K. Ranjan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioner and the State.

The petitioner has not been paid salary since 2017 on the specific plea that his BTET mark-sheet has not been verified.

The counter affidavit filed on behalf of respondent no.5 is totally evasive and does not serve any purpose.

Considering the limited controversy involved, the writ



application is disposed of with a direction to the District Programme Officer (Establishment), Muzaffarpur to cause an enquiry into the genuineness of the mark-sheet and certificate of the petitioner as to passing of BTET within a maximum period of 60 days from the date of receipt/production of a copy of this order.

The Panchayat Secretary concerned is also directed to hand over the service folio of the petitioner for verification of the District Programme Officer (Establishment), Muzaffarpur and the payment of the petitioner will abide by the decision as to the validity of the BTET mark-sheet and certificate of the petitioner after verification within the time frame indicated herein above.

In the event, the Panchayat Secretary does not co-operate with the District Programme Officer (Establishment), Muzaffarpur then the District Magistrate on report of the District Programme Officer (Establishment), Muzaffarpur shall take appropriate disciplinary action in deciding the issue. Once the District Programme Officer (Establishment), Muzaffarpur decides the validity of the certificate, it goes without saying that the petitioner shall be entitled to payment of arrears of salary as well as current salary with immediate effect.



With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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