

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8723 of 2019

-
1. Gyanu Kumar Son of Bhola Prasad Singh Resident of Village-Barhatia, P.S.-Vaishali, District-Vaishali
 2. Ved Prakash Son of Sri Dinesh Prasad Singh Resident of Village-Barhatia, P.S.-Vaishali, District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, general Administration department, Government of Bihar, Patna
3. The Director, primary education, Government of Bihar, Patna.
4. The Bihar School Examination Board through its Chairman, Budh Marg, Patna.
5. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
6. The District Magistrate, Muzaffarpur.
7. The District Education Officer, Muzaffarpur
8. The District Programme Officer (Establishment), Muzaffarpur.
9. The Block Education Officer, Saraiya-Cum-Paru, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 14-05-2019 The learned counsel for the Bihar School Examination Board, in pursuance to the directions issued vide order dated 10.05.2019 passed by this Court, submits that according to his instructions, verification cannot be made since the certificates are in the strong room, which has been sealed by the S.I.T. and even after contacting the Superintendent of Police (Vigilance) to open the strong room, so that verification of the certificates of



the petitioners and others can be undertaken, no response has been received.

In light of the aforesaid, it is apparent that the letter dated 02.05.2019 issued by the Programme Officer (Establishment), Muzaffarpur (Annexure-E to the counter affidavit) is obviously a fabricated document and incorrect facts have been stated without any verification, which could not have been done since the certificates have been sealed in the strong room by the S.I.T., as aforesaid, hence the said letter dated 02.05.2019 is quashed.

At this juncture, the learned counsel appearing for the State, in response to the order passed by this Court on 10.05.2019, submits that the salary of the petitioners has already been worked out and the invoice of payment (Annexures F and F/A) has been sent to the Bank for payment of salary to the petitioners and the final payment shall be made within one week positively.

Having regard to the facts and circumstances of the case, it is directed that the petitioners would continue to work, on the post they were working till the Bihar School Examination Board is in a position to verify the certificates and give its final opinion i.e. after opening of the strong room. It is needless to



state that after receipt of the report from the B.S.E.B., the appropriate authority of the State Government shall give an opportunity of hearing to the petitioners before passing any adverse orders. Accordingly, salary will be continued to be paid to the petitioners herein till any adverse order is passed by the B.S.E.B. against the petitioners. It is further directed that in case, the salary sought to be paid to the petitioners by way of sending invoice to the Bank, is not credited in the account of the petitioners within one week from today, the District Magistrate, Muzaffarpur and the District Programme Officer (Establishment), Muzaffarpur shall not draw their salaries.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

