

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1830 of 2017

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Rameshwar Sharma Son of Sri Phani Sharma, resident of village - Khurd, P.S.
Bhaptiyahi, District - Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna
3. The Director, Primary Education, Bihar, Patna
4. The Regional Deputy Director of Education, Koshi Division, Saharsa
5. The District Education Officer, Supaul
6. The District Programme officer Establishment , Supaul
7. The Block Education Officer, Saraigarh Bhaptiyahi, District - Supaul
8. Panchayat Secretary, Gram Panchayat - Pipra Khurd, Block - Saraigarh -
Bhaptiyahi, District - Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy No-1, S.C. 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondent State.

The grievance of the petitioner in the present writ
application is non-payment of arrears of salary for the period
from May, 2012 to 2nd February, 2014.

Learned counsel for the petitioner with reference to
the order passed by the Block Education Officer, Supaul would
submit that the petitioner was harassed by the Employment Unit
and petitioner was not allowed to mark attendance and as such



the petitioner cannot be denied salary on the pretext of non-marking of attendance when the petitioner was restrained from marking attendance.

Considering the aforesaid, the present writ application is disposed of with a direction to the District Programme Officer (Establishment), Supaul, to take appropriate decision with regard to the payment of salary for the period of May 2012 to 2nd February, 2014, in the light of the order passed by District Teachers Employment Appellate Authority and ensure payment of salary for the aforesaid period, as restraining the petitioner from marking attendance cannot be a ground to deny salary for the period he has not marked attendance. Necessary decision in this regard shall be taken by the respondent District Programme Officer (Establishment), Supaul, at the earliest, preferably within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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