

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5354 of 2015

Govind Kumar Mishra son of Late Wakil Mishra, resident of Village-Sonarsa, P.S.-Industrial Area, District-Buxar, at present posted as Constable Driver of Police no.177 in the District of Khagaria, Bihar under present S.P., Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Zonal Inspector General of Police, Bhagalpur.
3. The Deputy Inspector General of Police, Munger.
4. The Superintendent of Police, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Gupta, Advocate
For the Respondent/s : Mr.Madanjeet Kr, GP 20

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-01-2019

Heard learned counsel for the petitioner and the respondent State.

Pursuant to an advertisement for appointment of 903 constables, the petitioner participated in the selection process. It is case of the petitioner that the petitioner was left out and after orders passed in C.W.J.C. Nos. 5941 of 1994 and 9963 of 1994 re-measurement was done. Petitioner was not a party in the said two writ petitions. However, by extending the benefit, his re-measurement was done and thereafter he was appointed.

The petitioner claims that prior to the petitioner's appointment on re-measurement i.e., the period from 1994-99 he may be paid salary as he was prevented from joining due to



fault of the respondent authorities for which he was not at all liable.

The claim is resisted on the principle of 'no work no pay'. The respondents have relied upon the decision of this Court in C.W.J.C No. 12243 of 1999 to submit that in case of all other similarly situated though salary for the period prior to their appointment has been denied on the principles of 'no work no pay, but they have been given their seniority and benefit of increment. The same benefits have been extended to the petitioner also under district force order dated 25.02.2009. All the submissions and assertions made in the counter affidavit have not been denied or disputed by filing any rejoinder.

No case is made out for interference in favour of the petitioner. Writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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