

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16939 of 2018

Vinod Kumar Son of Late Ayodhya Prasad @ Ayodhya Paswan, R/o Village-
Udhapatti, P.S.- Mushri Dharari, District- Samastipur, Posted as the Assistant
Block Teacher at Middle School, Sarairanjan.

... .. Petitioner/s

Versus

The State of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar
For the Respondent/s : Smt. Binita Singh- Sc28
Mr. Apuru Harsh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 11-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

This writ petition was filed after service of two
advance copies to the office of Advocate General on 27.7.2018
yet no counter affidavit has been filed by the respondents.

Grievance of the petitioner in the present writ
application is non-payment of salary despite the petitioner is
continuing as teacher.

Learned counsel for the petitioner submits that
respondents have appointed the petitioner in 2006. They are not
making payment on the pretext that the degree obtained from
Hindi Sahitaya Sammelan, Prayag, Allahabad is invalid.

The decision to declare the degree invalid with effect
from 25.8.2008 whereas the petitioner was appointed in 2006.



In view of the above, the Court does not find any justification to approve the action of the respondent holding the degree obtained from Hindi Sahitaya Sammelan, Prayag, Allahabad before 2006 as invalid. The same cannot be read with retrospective effect and invalidate the appointment of the petitioner made prior to 25.8.2008.

Accordingly, the writ petition is allowed. The respondents are directed to ensure payment to the petitioner with immediate effect.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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