

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10482 of 2019

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Smt. Antima Choudhary W/o Shri Sujeet Kumar, Vill.- Agarwa, P.s.-
Motihari, Distt.- East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Principal Secretary Department of Education, Govt. of Bihar, patna
3. The Director Primary Education, Bihar, Patna
4. The District Education Officer West Champaran at Motihari
5. The District Programme Officer (Establishment) West Champaran at Motihari
6. The Government Aided Motilal Middle School Majholia, through its Secretary, West Champaran at Bettiah
7. The Head Master Government Aided Motilal Middle School, Majholia, District West Champaran at Bettiah
8. Akhileshwar Pandey S/o Krishna Mohan Pandey Resident of Village-Baithania, P.s.- Majholia, Distt.- West Champaran at Bettiah

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2019 The present writ petition has been filed for quashing the order dated 16.02.2019 passed by the District Programme Officer (Establishment), West Champaran, Bettiah whereby and whereunder under on the pretext of an interim order dated 20.09.2011 passed in CWJC No. 8404 of 2007, the salary of the petitioner has been directed to be stopped.

The learned counsel for the petitioner has referred to an order dated 06.12.2018 passed by a co-ordinate Bench of this Court in CWJC No.8404 of 2007 whereby and whereunder the



final order has been passed but the same does not speak anywhere about stoppage of salary of the petitioner herein. It is further submitted that since the writ petition itself has been disposed of, the interim order dated 20.09.2011, under the garb whereof the salary of the petitioner has been directed to be stopped, no longer exists.

The learned counsel for the respondents does not dispute the position existing as on today as also in law.

Having regard to the facts and circumstances of the case, this Court finds that the impugned order dated 16.02.2019 has been passed upon a misconception of law, inasmuch as, upon the final order dated 6.12.2018 having been passed in CWJC No. 8404 of 2007, no interim order survives, hence the order dated 16.2.2019 passed by the District Programme Officer (Establishment), West Champaran, Bettiah, is quashed and the respondents are directed to pay the salary of the petitioner forthwith.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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