

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19951 of 2018

1. Ranjan Bharati and Ors Son of Sri Saroj Prasad, Resident of Village P.O.- Gaurav Nagar, P.S.- Parwalpur, District- Nalanda.
2. Satish Kumar, Son of Sri Rameshwar Prasad, Resident of Village- Pulpar, P.O.- Mandachi, P.S.- Telhara, District- Nalanda.
3. Sanjay Kumar, Son of Sri Durga Yadav, Resident of Village- Nobhara, P.O.- Ganpura, P.S.- Noorsarai, District- Nalanda.
4. Rajeev Kumar, Son of Umesh Kumar Chakarwarty, Resident of Village- Dwarika Bigha, P.O.- Amravra, P.S.- Tharthari, District- Nalanda.
5. Dinesh Kumar Sharma, Son of Sri Rajdeo Mistry, Resident of Village- Manara, P.O.- Dharampur, P.S.- Noorsarai, District- Nalanda.
6. Rajesh Kumar, Son of Sri Binod Kumar, Resident of Village- Kurmiya Bigha, P.O.- Babhanbarui, P.S.- Hilsa, District- Nalanda.
7. Mahesh Kumar, Son of Sri Ram Chandra Pandit, Resident of Mohalla- Durga Asthan, P.O.- Hilsa, P.S.- Hilsa, District- Nalanda.
8. Munmun Bharti, Daughter of Sri Arvind Kumar, Wife of Sri Prakash Ranjan Patel, Resident of Village- Bhagwanpur, P.S.- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Director Research and Training, Education Department, Govt. of Bihar, Patna.
4. The District Programme Officer, Establishment Nalanda.
5. The District Education Officer, Nalanda.
6. The District Programme Officer Establishment, Jehanabad.
7. The District Education Officer, Jehanabad.
8. The Principal District Institute for Education and Training, Noorsarai, Nalanda.
9. The Principal District Institute for Education and Training, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate
For the Respondent/s : Mr. Sunil Kumar, A.C. to G.A. 12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2019

Heard learned counsel for the petitioner and learned



counsel for the State.

The grievance of the petitioner in the present writ application is discrimination in the matter of payment of salary on reinstatement.

This writ petition was filed on 17.09.2019 after service of two advance copies in the office of Advocate General, but unfortunately no counter affidavit has been filed in the instant case.

Learned counsel appearing on behalf of the petitioner submits that the respondents have to follow the State Litigation Policy, 2011 and in paragraph 4(c) the respondents are obliged to extend similar treatment, but contrary to the policy decision, the respondents are not extended the same benefit to this petitioner on reinstatement and similarly circumstanced others were granted the benefit of arrears of salary on reinstatement but the petitioner was denied.

Considering the aforesaid, the writ application is disposed of with a direction to the respondents to take appropriate decision on the claim of the petitioner within a maximum period of 60 days from the date of receipt/production of a copy of this order.

While taking decision, the respondents have to keep



in mind that no work no pay is not applicable in the case where the petitioner was not allowed to work. They have also to consider the case of the petitioner in the light of the case of similarly circumstanced and there is no justification to deny the same to the petitioner if others have been granted back wages.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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