

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13189 of 2019

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Balindra Prasad Son of Sri Prajapat Resident of at Hichhapur, P.O. Madhopur,
P.S. Konch, District Gaya and Posted as Assistant Teacher in Middle School
Barvadih, Prakhand, Barachatti, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The District Education Officer, Gaya.
6. The District Programme Officer (Establishment), Gaya.
7. The Block Education Officer, Barachatti, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh
For the Respondent/s : Mr. Samir Kumar (Sc16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner has filed the present application for a
direction to the respondents to pay arrears of salary for the
period of suspension.

Learned counsel for the petitioner submits that
respondents have decided to revoke the suspension of the
petitioner. While revoking the suspension of the petitioner the
respondents have not decided the payment for the period of
suspension.



Learned counsel for the respondents would submit that suspension was revoked but departmental proceeding is still continue.

The issue as to automatic payment of salary for the period of suspension on revocation of suspension is not permissible. At the same time the respondents cannot forfeit the salary for the suspension period unless they pass specific order how to treat the period of suspension.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the respondents that they are required to give notice to the petitioner and after opportunity of hearing to the petitioner the respondents shall pass order with regard to treating the aforesaid period for payment of salary or forfeiting the salary for the aforesaid period within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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