

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5323 of 2017

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Anjula Kumari, Wife of Sri Raj Kumar Thakur, Resident of village and Police Station - Kamtaul, District - Darbhanga at Present Kamtaul, District - Darbhanga at Present Panchayat Teacher, Government Primary School Urdu (Banaut), Block - Bokhra, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The District Education Officer, Sitamarhi
4. The District Programme Officer Establishment, Sitamarhi
5. The Block Education officer, Bokhra Block, Sitamarhi
6. The Gram Panchayat Raj Barnaul through its Mukhiya, District - Barnaul
7. The Panchayat Secretary, Barnaul Panchayat, Sitamarhi
8. The District Teacher Appellate Authority, Sitamarhi through its Member

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Respondent/s : Mr.Subhash Chandra Mishra- Sc16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 01-08-2019 Heard learned counsel for the petitioner and the respondents.

After the order of the writ Court, the matter was considered by the District Teacher Appellate Authority, Sitamarhi and held out that the petitioner is entitled to reinstatement. The District Teacher Appellate Authority, Sitamarhi also granted the benefit of continuity of service, but denied salary for the period 27.08.2013 to 26.12.2014.

Considering the fact that the petitioner was kept out of



employment illegally and once the Appellate Authority has accepted the entitlement of continuity in service of the petitioner, there is no reason to deny salary for the period the petitioner was kept out of service.

In order to balance the competing interest of the State as well as the petitioner, the Court directs the respondents to ensure payment of salary at the rate 75% for the period the petitioner was not allowed to work in addition to the continuity of service as held out by the Appellate Authority.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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