

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18081 of 2019

=====

Washiat Hussain, S/o Late Izhar Hussain, Resident of Village Pipra, P.S.
Pipra, Post Damodarpur, Dist. East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Director, Primary Education, Patna
3. The Regional Director, Education Department, Patna
4. The District Education Officer, Patna
5. The District Program Officer (Establishment Education), Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Behzad Akhtar, Advocate
For the Respondent/s : Mr. S.K. Ranjan, AC to GP-17

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 30-09-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking a direction to the respondents to pay to the petitioner subsistence allowance, which he is entitled to. He is also seeking a direction for payment of arrears of salary from October, 2015 to 21.01.2016.

3. Consequent upon the petitioner's arrest in a trap case, he was taken into custody on 22.01.2016 and he remained under deemed suspension while in custody up to 16.04.2016, when he was released on bail. He was put under suspension immediately thereafter with effect from



16.04.2016. After a departmental proceeding, the petitioner has been dismissed from service by an order dated 02.06.2017. The only grievance of the petitioner relates to payment of subsistence allowance during the period he remained under suspension.

4. A counter affidavit has been filed, from which it appears that the petitioner has been paid the amount of subsistence allowance, except for the period between 01.03.2017 to 01.06.2017 because of technical reasons.

5. Learned counsel for the State submits that if the petitioner approaches the Regional Deputy Director of Education, Patna by making a representation, the petitioner's remaining subsistence allowance shall be paid to him within one month from the date of filing such representation.

6. This application is disposed of accordingly. It is accordingly directed that if the petitioner represents before the Regional Deputy Director of Education, Patna for payment of subsistence allowance, the petitioner's rightful dues must be paid to him within one month from the date of such representation. It is made clear that the petitioner's grievance of non-payment of his salary for certain period, prior to his arrest, shall also be considered by the Regional Deputy



Director of Education, Patna and decided within the same
period of one month.

(Chakradhari Sharan Singh, J)

Rajesh/-

U			
---	--	--	--

