

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14714 of 2015

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Suresh Prasad @ Suresh Chaurasia son of Late Brij Mohan Chaurasia,
resident of Village and P.O.- Purana Bhojpur, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Secondary Education, Bihar Patna.
3. The Regional Deputy Director of Education, Patna.
4. The District Education Officer, Buxar.
5. The District Programme Officer Establishment , Buxar.
6. The Head master, High School Naini Jor, Dist- Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Narayan Ram
For the Respondent/s : Mr.Subhash Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 08-04-2019 The present writ petition has been filed for directing

the respondents to make payment of salary to the petitioner

which has been withheld without any rhyme and reason since

March, 2012.

2. Per contra, the learned counsel for the respondents has

referred to an order dated 04.09.2017 passed by a coordinate

Bench of this Court in C.W.J.C. No. 15961 of 2012 wherein the

appointment of the petitioner herein was sought to be

challenged, however, no relief was granted by this Court to the

writ petitioner and the writ petitioner was directed to seek



redressal of his grievances before the District Appellate Authority, Buxar within thirty days from the passing of the said order, however, the petitioner of the said case did not approach the District Appellate Authority, Buxar, as is informed by the learned counsel for the petitioner and in fact, no material has been brought on record by the respondents to show that the said petitioner has approached the District Appellate Authority, Buxar.

3. The learned counsel for the respondents has further submitted that the Vigilance Cell, State of Bihar has been demanding the original certificates of the petitioner for verification in light of the directions of the Hon'ble High Court passed in C.W.J.C. No. 15459 of 2014, however, the petitioner has not handed over the original certificates to the Vigilance Cell for verification. It is further submitted that the petitioner had been absent in an unauthorized way with effect from 26.09.2012 to 29.06.2013.

4. I have heard the learned counsel for the parties and gone through the materials on record and I find that there is no order of any court of law barring payment of salary to the petitioner herein, hence, this Court is of the view that the admitted outstanding arrears of salary for the period the petitioner has worked, barring the period 26.09.2012 to 29.06.2013, shall be paid to the



petitioner within eight weeks from today. This Court further finds that nothing had prevented the Vigilance Cell, State of Bihar from taking coercive action, in case the petitioner was not cooperating by not producing the original certificates, hence, the said contention of the respondents that since the original certificates of the petitioner has not been verified regarding its genuineness, the salary cannot be paid, is misconceived and is rejected. Nonetheless, the petitioner is directed to cooperate with the Vigilance Cell, State of Bihar and in case, the petitioner does not cooperate, the Vigilance Cell, State of Bihar shall be free to take any action as it deems fit and proper, in accordance with law.

5. The writ petition is allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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