

Civil Review No.402 of 2018

Civil Writ Jurisdiction Case No.12414 of 2015

... .. Petitioner/s

The State Of Bihar & Ors

... .. Respondent/s

For the Petitioner/s : Mr.Jai Prabhat Kishore, Advocate
For the Respondent/s : Mr.Priyadarshi Matur Sharan, AC to AAG-15
For the Accountant General : Mrs. Nivedita Nirvikar, Advocate

ORAL ORDER

Heard the learned counsel for the petitioner, learned

Petitioner seeks review of the order passed in CWJC



January, 2000 to 18.11.2008 the attendance of the petitioner was not certified by any competent authority, hence the direction for payment of the salary for the period in question was not directed by the writ Court. He submits that on a thorough enquiry by the Regional Deputy Director Education, Patna Division, Patna, it was found that the petitioner was present for the period in question except a few days of leave which is Annexure-4 dated 30.06.2014 to the review application. On the report of the Regional Deputy Director of Education, the Director vide Memo no.331(P) dated 26.12.2014 had found the petitioner to be in service with effect from 01.01.1989 and all payments for the service period was directed to be made in five annual instalments which is Annexure-5 of the review application. He also brings to the notice of this Court and a letter issued by the District Education Officer, Nalanda to the Opposite Party No.6, the Headmistress, Project Ram Kishun Bhimlal Girls High School, Chandi, District-Nalanda stating the said facts which is Annexure-10 dated 04.04.2016.

Considering the submission of the petitioner, the order dated 22.09.2017 passed in CWJC No.12414 of 2015 was passed only on the counter affidavit so filed by the Respondent No.6 that for the period between January, 2000 to 18th



November, 2008 since the attendance of the petitioner was not certified by the competent authority hence no salary would be paid. The inquiry of the Regional Deputy Director, Education dated 30.06.2014 and the Director of Education dated 26.12.2014 which was an earlier order was not brought to the notice of the Court in writ proceedings by the Respondent No.6 and it was directed to make payment of arrears salary in instalments, this review application is allowed and the order dated 22.09.2017 passed in CWJC No.12414 of 2015 is set aside.

CWJC No.12414 of 2015 is restored to its original file for fresh hearing.

List the matter 'For Admission'. Petitioner would file additional documents by way of supplementary affidavit in the meanwhile in the writ proceedings.

Review application is accordingly allowed.

(Nilu Agrawal, J)

B.Kr./-

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