

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14370 of 2017

=====

Binkatesh Kumar Son of Sri Niwas Sharma, Resident of Village P.O. P.S.-
Pauthu, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. District Education Officer, Aurangabad.
4. District Programme Officer, Establishment, Aurangabad.
5. Block Education Officer, Rafiganj, District- Aurangabad.
6. Mukhiya, Gram Panchayat Raj Pauthu, Block Rafiganj, District- Aurangabad.
7. Panchayat Secretary, Gram Panchayat Raj Pauthu, Block Rafiganj, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shiv Kumar, Advocate
For the Respondent/s : Mr.S.C.Mishra -SC-16

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioner and the State.

The petitioner has approached this Court for quashing the order dated 11.10.2014. At the same time petitioner has approached the District Teacher Employment Appellate Authority, Aurangabad. The Appellate Authority granted relief in as much as the petitioner's appointment was held to be valid and he has been reinstated on regular basis. The grievance of the petitioner is confined to payment of salary for the period petitioner was kept out of employment.



Learned counsel appearing on behalf of respondents would submit that no work no pay is applicable in the instant case as the petitioner has not worked. Normally, back wages follows on reinstatement. In the cases where termination was held to be illegal the natural corollary of setting aside illegal order of termination is payment of full back wages. The petitioner was terminated vide Annexure-4 dated 11.10.2014. He has been reinstated on 29.07.2019. From the period 11.10.2014 to 29.08.2019, petitioner has been deprived of salary.

Having regard to the peculiar fact/situation this writ petition is disposed of with a direction to the respondent nos. 3 and 4 to pay 60 percent of the salary for the aforesaid period within a maximum period of four months from the date of receipt/production of the copy of this order.

With the aforesaid, this writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Niraj/-

U			
---	--	--	--

