

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7726 of 2020

1. Bhushan Gaurav, Male, aged about 35 years, son of Sant Lal Sah, R/o Village/mohalla - Mathurapur Kahtarwa, P.O.- Mathurapur, P.S.- Sheohar, District- Sheohar, Presently posted and serving as Block Teacher (Class 6 to 8), at middle school Parrahi, village and P.O.- Parrahi, P.s. and District- Sheohar.
2. Poonam Kumari, Female, aged about 39 years, W/o Santosh Kumar, C/o Baijnath Prasad Sah, R/o Village and P.o.- Gamhariya, Block- Sour Bazar, District- Saharsa, Presently posted and working as Block Teacher (Class 6 to 8) at middle school, Khajur, Block- Sour Bazar, District- Saharsa.
3. Lakchami Kant Paswan, Male, aged about 48 years, S/o Dipan Paswan, R/o Village- Sarmastpur, P.o.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur, presently working as Block Teacher, Middle school Lautan Muraul, District- Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Sheohar.
5. The District Education Officer, Saharsa.
6. The District Education Officer, Muzaffarpur.
7. The District Programme Officer (Establishment), Sheohar.
8. The District Programme Officer (Establishment), Saharsa.
9. The District Programme Officer (Establishment), Muzaffarpur.
10. The Block Development Officer, Sheohar
11. The Block Development Officer, Muzaffarpur
12. The Block Development Officer, Saharsa
13. The Block Education Officer, Sheohar
14. The Block Education Officer, Block- Maraul, Muzaffarpur.

... .. Respondents



Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. Ashutosh Kumar Pandey, AAG-15.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 18-09-2020 Heard learned counsel for the petitioners and
learned counsel for the State through Virtual Court Proceeding.

Learned counsel for the petitioners submits that he
will remove all the defects, as pointed out by the office, when
the normal Court will start functioning.

In the present case, the petitioners are seeking
payment of salary as their case with respect to termination is
under consideration before this Court in C.W.J.C. No.16214 of
2019, wherein this Court has passed the order in the following
terms:-

*“The petitioners have approached this Court
apprehending their termination on the ground of
non-holding of training examination by the BRA
Bihar University. The petitioners were appointed in
the year 2018. As per the policy decision of the State
Government they were required to undertake
training. The petitioners have been enrolled as
students for completion of training with the BRA
Bihar University. They have cleared their first year
examination and second year examination is still
pending. Due to lapse of the University, the
examination could not be held within time and the
petitioners are now facing difficulty of being made*



permanent on account of non-completion of training before March, 2019.

Learned counsel for the petitioner is permitted to implead the BRA Bihar University as party respondent No. 20 during the course of the day.

Put up this case for admission on 9th of September, 2019 in order to enable the respondents to file counter affidavit.

In the meanwhile, the respondents are restrained from taking any decision for termination of the petitioners as the Court is, prima facie, of the view that the petitioners are innocent and they cannot be made to suffer for the lapse of the respondents.

On perusal of the aforesaid order, it appears that the respondents have restrained from taking any decision for termination of the petitioners as the Court is, prima facie, of the view that the petitioners are innocent and they cannot be made to suffer for the lapse of the respondents.

Learned counsel for the petitioners submits that the petitioners are still working in their respective schools but, the payment of salary has not been made.

In such view of the matter, this Court directs the petitioners to file a fresh representation before the Principal Secretary, Education Department, Government of Bihar, Patna. If such a representation is filed, the Principal Secretary, Education Department, will consider and decide the same within



a period of six weeks from the date of filing of the representation.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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