

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18489 of 2017

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Md. Sariful Hasan S/o-Md. Azimuddin, R/o-Vill-Mukeriya, P.S.-Kadwa,
District-Katihar, at Present Working as Block Teacher in Upgraded Urdu
Middle School Naughara, Gram Panchyat raj Uday Rampur, P.S.-Kadwa,
Block-Chainpur, District-Kaimur Bhabhua. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Kaimur Bhabhua.
5. The District education Officer, Kaimur Bhabhua
6. This District Programme Officer Eatt., Kaimur Bhabhua
7. The Block Development Officer, Chainpur, District-Kaimur Bhabhua.
8. The Panchayat Secretary, Gram Panchayat Udayrampur, Block Chainpur,
District-Kaimur Bhabhua.
9. The Mukaiya Gram Panchayat, Udayrampur, Block Chainpur, District-
Kaimur Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr.Smt.Shilpa Singh GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 25-02-2020 Heard learned counsel for the parties.

The petitioner has approached this Court for a direction to the respondents to pay arrears of salary from 29.09.2011 to 19.06.2013 and from 01.10.2013 till date.

The petitioner had approached this Court earlier in CWJC No. 19073 of 2011 (Renu Kumari & Ors. Vs. The State of Bihar & Ors.) which was dismissed on 30.10.2013. Against the order of dismissal of the writ petition, the other writ petitioners had preferred LPA No. 314 of 2014 which was dismissed vide order dated 16.08.2016. It is to be noted here that the present petitioner has not challenged the order of the writ



Court and as such he was impleaded as party respondent No. 15 in the LPA. The LPA Court approved the decision of the writ court and dismissed the appeal.

Learned counsel for the petitioner submits that the order of termination of the petitioner was recalled before the order of the writ court dismissing the writ petition and as such the petitioner has not preferred LPA.

The writ court on consideration of the pleadings of the parties, dismissed the writ petition on merit and the LPA Court has also dismissed the appeal. In the aforesaid circumstances, granting indulgence in the matter of payment of salary would amount to modifying the orders of the writ court and the LPA Court.

In the facts of the case, the Court is not inclined to grant any indulgence. The writ petition, being devoid of merit, is dismissed.

The interlocutory application for amendment of the relief in the writ petition is allowed but the relief prayed for therein, does not merit any consideration.

(Anil Kumar Upadhyay, J)

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