

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1079 of 2017

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Jai Prakash Yadav, Son of Ram Nandan Yadav, Resident of Village- Auraha,
P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Education Officer, Supaul
4. The District Programme Officer (Establishment), Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Subhash Chandra Mishra -Sc16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 14-02-2020 Heard learned counsel for the petitioner and the respondents.

Admittedly, the petitioner is claiming salary for the period, he was behind the bar.

Learned counsel for the petitioner submits that the petitioner has been acquitted in the trial. He further submits that in case of clean acquittal, the petitioner is entitled to the benefit of continuity in service and payment of salary.

So far as continuity in service is concerned, the Court has no difficulty in accepting the contention of the petitioner, but no work no pay is applicable in the present case, as the petitioner was behind the bar during the said period. However,



liberty shall be available to him to approach the respondents to adjust the same, if any leave is available in his account.

Necessary decision after adjusting the admissible leave be taken by the respondents within a maximum period of three months from the date of filing of such representation along with a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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