

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7985 of 2017

=====

Md. Zafiruddin Son of Seikh Iltaf Hussain @ Iltaf, Resident of Village-Chanderdai, Post Office-Canderdei, Police Station-Araria, District-Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Purnea.
4. The District Education Officer, Araria.
5. The Block Education Officer, Baghwa, Block-Kasba, District-Araria.
6. The Head Master, Primary School, Baghwa, Block-Kasba, District-Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh
For the Respondent/s : Mrs. Smt.Binita Singh-SC28

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-05-2020 Heard both sides.

The petitioner, in this writ petition, seeks direction to consider and grant all the benefits of service (post as well as pre-retiral).

The petitioner claims that he was appointed as Assistant Teacher vide memo No. 4470-71/ Purnea dated 28th April, 1976 and he joined in pursuance thereof in Lower Primary School, Domraha Anchal. The petitioner got his salary from 10.05.1976 to August, 1977 but he was transferred on 10.08.1977 to Primary School Baghwa, Anchal, Kasba vide memo No. 20658-63 dated 10.08.1977. The petitioner was relieved in pursuance of the aforesaid letter and joined Primary School Baghwa, Anchal, Kasba on 22.08.1977. The petitioner got his salary till December, 1978. The petitioner worked till



16.07.1982 but no salary was paid to the petitioner. The petitioner filed several representations but no heed was paid. The petitioner made representation before the Education Minister, Bihar on 24.03.1998 but no heed was paid nor any salary was given to the petitioner. The petitioner moved this court in CWJC No. 7090 of 1998 for his reinstatement in service and payment of salary.

It appears that this court vide order dated 29.07.1999 passed in CWJC No. 7090 of 1998 (Annexure-8) refused to pass order on merit of the case on the ground that petitioner was not allowed to work after 1982 and after 17 years he preferred the writ petition only in the year 1998. However, liberty was given to the petitioner to file representation before the Director, Primary Education who shall decide the representation of the petitioner in accordance with law. The petitioner claimed that he filed representation (Annexure-9) but till date no order is passed, therefore, the petitioner again moved before this court by filing the present writ petition for payment of salary and post retiral benefits.

Mrs. Binita Singh, the learned SC 28, submits that in the earlier writ petition this court refused to interfere in the matter as the petitioner remained out from service or stopped from working in the year 1982 but he filed the writ petition only in the year 1998 and again the petitioner after filing of representation waited for 17 years and filed the present writ petition for payment of salary and post retiral benefits. When the petitioner did not work even for a single day after 1982 the petitioner is not entitled to get any salary or post retiral benefits.

Having considered the facts, I find that appointment of the petitioner is doubtful and petitioner did not work after



1982.

The petitioner had earlier moved this court in CWJC No. 7090 of 1998 for his reinstatement and payment of salary after 1982 but the same was dismissed and petitioner was allowed to file representation. Once it has come that petitioner has not worked after 1982, the petitioner is not entitled to get any salary nor petitioner is entitled to get any pensionary benefit.

Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

BKS/-

U			
---	--	--	--

