

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7082 of 2020

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Md. Saddam @ Md. Sadam S/o-Md. Nemudini Mian, Resident of Village-Patlarpur, P.O.-Madhopur, P.S. Shahpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Primary Education, Govt. of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director Education, Patna Division, Patna.
4. The Collector, Patna.
5. The District Programme Officer, Higher Secondary (SAKCHARTA), Patna.
6. The Block Education Officer, Danapur, Patna.
7. The Chairman, Village/Tola Samiti Primary/Secorndary School, Patlarpur Panchayat, Danapur, Patna.
8. Navin Kumar S/o-Bali Ram Pandey Incharge Head Master, Primary School, Patlapur, Harijan Toli, P.O. Madhopur, P.S. Shahpur (Danapur), District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-02-2021 The present writ petition has been filed
seeking the following reliefs:-

"(a). A writ in the nature of
Mandamus or any other appropriate
writ, order or direction to
commanding the Respondents to pay
the salary / remuneration to the



petitioner for the period January 2014 to 15.12.2015 when the petitioner had made his attendance in the Teacher's attendance register of the Primary School, Patlapur Harijan Toli, Danapur in the district of Patna.

(b). A writ in the nature of Mandamus or any other appropriate writ, order or direction, commanding the Respondents to permit the petitioner to mark his attendance in Teacher's attendance register of Primary School Patlapur Harijan Toli, Danapur in the District-Patna.

The learned counsel for the petitioner has submitted that the petitioner was appointed on the post of Taleemi Markaz at Primary School, Patlapur, Harijan Toli, on 21.12.2013, but he has not been paid salary for the period January, 2014 to 15.12.2015.

Per contra, the learned counsel for the



Respondent-State has disputed the aforesaid position and has submitted, by referring to the counter affidavit filed in the present case by the District Programme Officer (Secondary Education & Literacy), Patna, that the present writ petition has been filed claiming payment of salary on the basis of manufactured and fabricated documents and the fact is that the petitioner had never joined at the aforesaid school in question on the post of Taleemi Markaz.

Having regard to the facts and circumstances of the case, this Court finds that disputed question of facts are involved in the present case, which cannot be adjudicated in a writ petition under Article 226 of the Constitution of India, hence, I deem it fit and proper to direct the Collector, Patna to make an inquiry into the matter and pass a reasoned order within a period of six weeks from the date of receipt / production of a copy of this order, after giving due opportunity of hearing to the petitioner herein.

The writ petition stands disposed of on the



aforesaid terms.

(Mohit Kumar Shah, J)

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