

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4 of 2021

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Hemlata Jha, wife of Dr. Ajay Kumar Jha R/o Mohalla- Sikandarpur, P.O.-
Mirjanhat, P.S.- Mojahidpur, Dist- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Government of Bihar, Vikash Bhawan, New Secretariat, Bailey Road, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna, Vikash Bhawan, New Secretariat, Bailey Road, Patna.
3. The Zila Parishad Teacher s Employment Unit, Bhagalpur through its Chairman-cum- the Chairman, Zila Parishad, Bhagalpur, namely Mr. Anant Kumar @ Tuntun Sah, S/o name not known to the petitioner.
4. The Deputy Development Commissioner, Bhagalpur, District- Bhagalpur.
5. The District Education Officer, Bhagalpur, District- Bhagalpur.
6. The District Program Officer, (Establishment), Bhagalpur.
7. The District Program Officer, (Seondary Education), Bhagalpur.
8. Mr. Sada Nand Singh, M.L.A. Kahalgaon Constituency, presently R/o 2 HT-113, Bhadurpur Housing Colony, Patna- 26, Office- 27, Harding Road, Patna- 1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-02-2021 The learned counsel for the petitioner has

drawn attention of this Court to Annexure-13, the

order of the District Education Officer, Bhagalpur

dated 06.09.2019 to contend that despite the order

of the District Education Officer, Bhagalpur, neither

the suspension of the petitioner has been revoked nor



she has been given posting. Learned counsel further submits that the petitioner was not even paid subsistence allowance during the period of suspension.

Non-payment of subsistence allowance vitiates the entire departmental proceeding as held out by the Apex Court in the case of *State of Maharashtra versus Chandrabhan Tale AIR 1983 SC 803*. This view was reiterated by the Apex Court in the case of *Captain M. Paul Anthony versus Bharat Gold Mines Limited reported in AIR 1999 SC 1416*.

In view of the above, this Court finds that respondents are under obligation to ensure payment of entire dues of subsistence allowance in one go within 60 days from today.

The respondents are directed to make payment of salary and current arrears to the petitioner within a maximum period of three months from the date of filing such a representation by the



petitioner before it.

In the event the payment is not made to the petitioner, the petitioner shall be entitled to an interest over the payment at the rate of 12 percent per annum from the date of accrual to the date of actual payment.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Anil Kumar Upadhyay, J)

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