

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1524 of 2022

=====

Partheshwar Kumar @ Kumar Pratheshwar S/o Late Kumar Dilip Singh @
Kumar Dileep Singh R/o Village and P.O. - Jaitpur, P.S.- Bhagwanpur, Distt.-
Kaimur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Human Resources Development Department
(Education Deptt.) Govt. of Bihar.
2. The Principal Security, Department of Human Resources Development
(Education Deptt.) Govt. of Bihar.
3. The Secretary, Bihar Higher Secondary Examination Board, Patna.
4. The Secretary Rajarshi Shariwahan Maha-Vidyalaya, Bhagwanpur, Distt. -
Kaimur (Bihar).
5. The Principal, Rajarshi Shariwahan Inter Maha-Vidyalaya, Bhagwanpur,
Distt. - Kaimur (Bihar).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Uma Shankar Sharma
For the Respondent/s : Mr.Smt. Binita Singh (Sc 28)

=====

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 08-03-2022 The case is being taken up from defect side.

Learned counsel for the petitioner is directed
to submit the original petition along with attested
affidavits and also remove all the defects pointed out
by the Registry within two weeks from today.

Learned counsel for the petitioner submits
that the petitioner is aggrieved by the order dated
09.01.2020, passed by the Bihar Anudanit
Shikshan Sansthan Pradhikar, Education



Department Bihar, Patna to the extent that it has directed to make payment of due wages/remuneration of the late father of the petitioner, out of the funds generated from the internal resources of the college.

Learned counsel apprehends that the added amount which college raises against the petitioner, ought to be included and complete salary as the petitioner's father was required to be paid, should be paid, for the purpose from April, 2011 up to the date of superannuation i.e. 31st July, 2014.

Learned counsel for the State submits that the total amount is required to be paid from the internal resources of the college.

However, in the opinion of the Court, the order seems to be vague. The tribunal has reached to the conclusion that salary for the period from April, 2011 up to the date of superannuation is required to be released. Once it reaches to the said conclusion, it could not have directed to release the due wages only out of the funds generated



from the internal resources of the college. In fact, wages/remuneration has to include both the aspects the added amount as well as the amount generated from the internal resources.

Accordingly, the order passed by the Tribunal dated 09.01.2020 is modified to the aforesaid extent and it is directed that the salary for the period from April, 2011 to 31st July, 2014 shall be released, it could include the amount of added part as well as the amount generated from internal resources of the college.

The writ petition stands disposed of.

(Sanjeev Prakash Sharma, J)

pravinkumar/-

U			
---	--	--	--

