

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5594 of 2020

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1. Harindra Prasad Son of Bachcha Prasad Resident of Raghunandanpur, P.O. and P.S. Ratanpura, District Gopalganj.
 2. Ranjay Kumar Son of Panchdeo Prasad at present residing at Gopalganj, P.O. and P.S. Gopalganj, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Regional Deputy Director of Education, Saran Division, Chapra.
3. The District Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Sinha, Adv.
For the Respondent/s : Mr. Jitendra Kr. Roy 1 (SC-13)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-01-2022 Heard Mr. Akhilesh Kumar Sinha, the learned

counsel for the petitioners and Mr. Jitendra Kumar Roy,

learned SC-13 for the State.

The petitioners have sought a direction to the respondent authorities for making payment of subsistence allowance as well as the salary to which the petitioners are entitled and further for a direction to the District Education Officer, Gopalganj to dispose of the representation of the petitioners and pass necessary sequel order in that regard.

The petitioners were subjected to departmental /



disciplinary proceeding and the same was concluded with two minor punishments to them, namely, stoppage of two increments of salary without cumulative effect and warning for not committing the same misconduct again.

Pursuant to the aforesaid conclusion of the departmental proceeding, the petitioners made a representation before the respondents for payment of their subsistence allowance during the period of suspension and for the salary to which they were entitled.

When that was not forthcoming, a representation was made before the District Education Officer, Gopalganj but to no avail.

The learned counsel for the petitioners has submitted that the subsistence allowance during the period of suspension and the salary of the petitioner is required to be paid forthwith as there is no stipulation anywhere in the order passed in the departmental proceeding of anything otherwise.

Considering the afore-noted submission on behalf of the petitioners, this Court directs the respondent no. 3 to



forthwith dispose off the representation of the petitioners referred to above and pass necessary sequel order directing for payment of subsistence allowance during the period of suspension and the salary of the petitioners.

Such order shall be passed within a period of six weeks of the production of a copy of this order before the respondent no. 3.

The petition stands disposed of.

(Ashutosh Kumar, J)

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