

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5103 of 2020

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Kumari Rashmi Wife of Ram Babu Ray, Resident of P.O.-Uchauli, P.S. Narsara, District-Darbhanga, Bihar-846003, Presently residing at G-11, Savitri Sadan, P.C. Colony, Kankarbagh, Patna-800020, Presently Posted as and 2 Teacher (Niyojit), B.N. Collegiate School, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
4. The District Program Officer (Establishment), Patna.
5. Patna Municipal Corporation, 2nd Floor, Block-C Maurya Lok Complex, Dakbunglow Road, Patna Bihar 800001 through the Municipal Commissioner.
6. The Municipal Commissioner, Patna Municipal Corporation, Patna.
7. The Deputy Municipal Commissioner, Patna Municipal Corporation, Patna.
8. The Municipal Secretary-Cum-Authorised Officer, Teacher Appointment Committee, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nikhil Kumar Agrawal, Adv.
For the Respondent/s	:	Mr. Subash Chandra Mishra (Sc16)
For PMC	:	Mr. Prasoon Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 28-11-2022

The petitioner has prayed as under:-

(I) To issue an appropriate writ/order/direction in the nature of mandamus directing the respondent Corporation to sanction the medical leave of the petitioner in terms of Rule 12(1)(ii) of The Bihar Municipal Body Secondary and Higher Secondary Teacher (Employment and Service Condition) Rules 2006 as amended from time to time.

(ii) To issue an appropriate writ/order/direction in the



nature of mandamus directing the respondents to fix the pay of the petitioner since October 2017 and grant regular increments/increase in salary as a result of which the petitioner is entitled to get the pay of Rs.31,803/- w.e.f. January, 2020.

(iii) appropriate writ/order/direction in the nature of mandamus directing the respondents to pay regular salary to the petitioner in terms of the pay fixation, including any arrears thereof subsequent to grant of revised pay to the petitioner.

Considering it that this matter is covered by the judgment, dated 23.02.2022 passed in C.W.J.C. No. 5489 of 2020 (Suresh Ram Vrs. The State of Bihar & Ors.) and connected matters reported in 2022(2) B.L.J., 381, 2022 (2) PLJR, 80 and the judgment dated 07.03.2022, passed in C.W.J.C. No.34 of 2022 (Minakshi @ Sushre Minakshi & Ars. Vrs. The State of Bihar & Ors), this petition is disposed of with the above terms.

If an appeal is preferred before the District Appellate Authority/State Appellate Authority the same shall be taken up at the earliest and preferably decided within a period of six months.

(Sanjeev Prakash Sharma, J)

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Item no.50

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