

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18323 of 2018

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Md. Mobin Akhtar S/o- Md. Anwarul Haque, Resident of Village- Giyandob,
P.O. P.S.- Amour, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. District Magistrate, Purnea, District- Purnea.
4. The District Teacher's Appellate Authority, Purnea, District- Purnea.
5. The District Education Officer Cum District Programme Officer Establish,
Purnea, District- Purnea.
6. The Block Education Officer, Baisa, District- Purnea.
7. Mukhiya Gram Panchayat Raj, Routa, P.S. Routa, Block- Baisa, District-
Purnea.
8. The Panchayat Secretary, Gram Panchayat Raj Routa, P.S. Routa, Block-
Baisa, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Ziaul Quamar, Adv. Mr. Manish Kumar, Adv.
For the State	:	Mr. Madhaw Prasad Yadaw, GP 23 Mr. Meera Singh, AC to GP 23

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

ORAL ORDER

2 10-10-2022 1. Admittedly the petitioner did not perform duties

for the period from October 2011 to 25.01.2016. However, his

service have been treated as continued. In view thereof, the

counsel for the petitioner prays that the petitioner should be

granted the benefit of salary for the period from October 2011 to

25.01.2016. The respondents have filed their reply and pointed

out that the petitioner did not perform his duties for the said

period. In view thereof, the principle of no work no pay would



apply.

2. It has been further pointed out that the petitioner was dismissed from service on the ground that he did not possess the requisite qualification. However, the said dismissal was set aside by the Appellate Authority vide its order dated 31.01.2015 and directed the petitioner to be reinstated in service and directed for fresh reconsideration of the case of the petitioner for appointment. Accordingly, the petitioner was reconsidered and appointed vide order on 25.01.2016. Keeping in view thereto, the petitioner cannot be said to be entitled for consideration of salary for the intervening period.

3. I have considered the submission, the District Appellate Authority has vide its judgement dated 31.01.2015 directed the Panchayat Teacher Employment Unit to reconsider the candidature of the petitioner in terms of the rules within 30 days. The observations do not direct the petitioner to be continued in service. In view thereof, the appointment of the petitioner has to be treated from the date he joined back in service and he cannot claim continuity of service or benefit from earlier date. The claim of the petitioner, therefore, is found to be without any force.

4. The writ petition is devoid of merit and is



accordingly dismissed.

(Sanjeev Prakash Sharma, J)

sachin/shaswat
Item No. 26

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