

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6895 of 2015

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Bambam Kumar son of Srikant Singh, resident of village + P.O.- Kaiyar,
Block- Islam Nagar- Aliganj, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Jamui.
4. The Block Development Officer, Islam Nagar- Aliganj, District-cum-Member Secretary, Prakhand Teachers Employment Unit, Islam Nagar-Aliganj, Jamui.
5. The Block Education Officer, Islam Nagar- Aliganj, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Narendra Kumar Singh, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 17-02-2023

Heard the parties.

2. The petitioner, by way of this writ petition, assailed the order dated 09.04.2015 (Annexure-7), whereby his services were sought to be terminated.

3. An affidavit has been filed on behalf of the respondents stating therein that the **Bihar State Elementary Teachers (Employment and Service Condition) (Amended) Rules, 2015** (hereinafter referred to as “the Rules”) had been notified on 08.09.2015, whereby the teachers, who have failed



twice in efficiency test, will be given one more chance to appear in efficiency test and keeping in view the above notification, the petitioner has been allowed to continue.

4. Learned counsel for the petitioner submits that the salary has not been released to the petitioner.

5. This Court, in the case of **Pallavi Kumari Vs. State of Bihar & Ors.**, passed in **C.W.J.C No. 22186 of 2019 and analogous cases**, has held that the salary has to be released to those persons who are performing their duties.

6. In view thereof, the petitioner is granted liberty to appear again in the efficiency test, as three chances are required to be given. It is further directed that the respondents shall release the salary of the petitioner, if the same has not been released as yet.

7. Accordingly, with the above observation and direction, the writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 29

AFR/NAFR	
CAV DATE	
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