

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7921 of 2015

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Ramesh Kumar Singh son of Late Agarchand Singh, Resident of Village-
Balchanda, P.S.- Kursaknta District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resources
Department, Govt. of Bihar, Patna
2. The District Education Officer, Araria
3. The Executive Officer Cum Block Development Officer, Panchayat Samiti
Kursakanta, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. Manish Kumar, AC to AAG-6

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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 04.04.2015, whereby his services were sought to
be terminated.

3. An affidavit has been filed on behalf of the
respondent No.4 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. 39

AFR/NAFR	
CAV DATE	
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