

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9277 of 2015**

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Sunil Kumar S/o Shri Ram nagina Rai Resident of Village / Mohalla  
Makhdumpur, P.O. Digha Ghat, P.S. Digha, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Secretary, Department of Education, New Secretariat, Bihar, Patna.
3. The District Education Officer, Patna.
4. The Block Education Officer, Punpun.
5. The Panchayat Secretary, Panchayat Raj Kewra, Anchal Punpun, District Patna.
6. The Panchayat Selection Unit, Panchayat Raj kewra, Anchal Punpun, District Patna, represented throu

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Shri Prakash Srivastava, Adv.<br>Mr. Santosh Bharti, Adv.<br>Mr. Apurva Kumar, Adv. |
| For the State        | : | Mr. Kamlesh Kishore, AC to SC 12                                                        |

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

**ORAL JUDGMENT**

**Date : 17-02-2023**

1. The petitioner has prayed for quashing of letter dated 17.12.2014, whereby his appointment was cancelled on the ground that he was erroneously issued appointment order for teaching classes up to Vth. Although, he possessed qualification of B.Ed. which is not the essential qualification for appointment as teacher for classes up to Vth. The respondents have taken objection that the petitioner has to challenge the said order before the concerned District Appellate Authority.



2. Learned counsel for the petitioner states that he has instructions that the petitioner does not want reinstatement and therefore does not challenge the order dated 17.12.2014 but he claims salary for the period during which he has worked.

3. Learned counsel submits that the petitioner has worked from 2013 till 2014 and that the District Appellate Authority passed an order in his favour on 19.11.2014, directing the respondents to release the salary within a period of 30 days, but the same has not been released.

4. Faced with the said situation, learned counsel appearing for the respondent submits that the entire writ petition only states about the challenge to the order dated 17.12.2014 which the petitioner does not press now.

5. I have considered the submission. Since the petitioner does not challenge his termination, the objection of the respondents that the petitioner should file an appeal before the District Appellate Authority is found to be mis-concieved. As regards the payment of salary for the period the petitioner has worked, the District Appellate Authority has already passed an order in his favour. The respondents are therefore directed to release the salary for the period during which the petitioner has worked with them, more so as the order passed by the District



Appellate Authority dated 19.11.2014 has not been challenged by the respondents in any Court of law. It has attained finality. The salary be now released within a period of one month. The same shall carry interest at the rate of 9% per annum, if not paid.

6. The writ petition is disposed of.

**(Sanjeev Prakash Sharma, J)**

Sachin/-  
Item No. 52

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