

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16706 of 2012**

=====

Mithilesh Kumar, S/o Late Bisheshwar Prasad, Resident of Village- Balchand Bigha, P.O. - Sarbahda, P.S.- Khijarsarai, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. Director, Primary Education, Bihar, Patna
4. District Education Officer, Gaya
5. District Programmer Officer, Gaya
6. Block Education Extension Officer, Neemchak Bathani, Gaya

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : None  
For the Respondent/s : Mr. Kumar Manish, SC-5

=====

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**

**Date : 28-11-2023**

1. No one appears for the petitioner. Learned counsel for the respondents is present.

2. The petitioner has filed the instant writ application praying for quashing the office order contained in memo no.2643 dated 19.8.2006, as contained in Annexure-10 to the writ application, issued under the signature of the District Superintendent of Education, Gaya, wherein it was ordered that the petitioner was being given a warning for the future. He would be paid suspension allowance for the period of three months and so far as the remaining arrears of salary is



concerned, the same would be dependent on the attendance of the petitioner as per the attendance register.

3. On perusal of the records of the case it transpires that a counter affidavit and a supplementary counter affidavit has been filed on behalf of the District Programme Officer, Gaya and a counter affidavit was also filed on behalf of the Block Education Extension Officer, Neemchak Bathani, Gaya.

4. As per the contents of the counter affidavits filed it transpires that the petitioner was held not entitled for payment of salary for the period from 1.2.1999 to 21.9.1999 ie the period prior to the order of suspension while the petitioner was on deputation at Primary School Panchay on the ground that the absentee statement and the attendance register submitted by the petitioner in connection with the said period were found to be forged. With respect to the arrears for the period from 22.9.1999 till the date of the petitioner's retirement ie on 30.4.2013, the petitioner was paid the admissible amount and steps were also taken for payment of the post-retiral benefits under the head of gratuity, group insurance, unutilised leave and the provident fund. The petitioner is also getting pension.

5. In view of the facts and circumstances of the case, especially in view of the statements made in the three counter



affidavits filed on behalf of the respondents, this writ application stands disposed of.

6. In case, any of the post or pre retiral dues still remains to be paid to the petitioner, the petitioner shall be at liberty to file an appropriate representation before the authority concerned, which if filed within a period of four months shall be decided expeditiously in accordance with law.

**(Partha Sarthy, J)**

avinash/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          |            |
| CAV DATE          | N/A        |
| Uploading Date    | 01.12.2023 |
| Transmission Date | N/A        |

