

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19687 of 2019

=====

Mohan Pandey Son of Sri Vishwanath Pandey Resident of Village- Jhumar
Dihra, Police Station- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Education), Government of Bihar, Patna.
2. The Director, Primary Education H.R.D. Government of Bihar, Patna.
3. The District Education Officer (DEO) Aurangabad, Bihar.
4. The S.D.O., Aurangabad, Bihar.
5. The District Programme Officer (D.E.O.) (Est.) District- Aurangabad.
6. The Block Development Officer (B.D.O.), Barun, District- Aurangabad.
7. The Block Education Officer (B.E.O.), Barun, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv. Mr. Krishna Murari Rawt, Adv.
For the Respondent/s	:	Smt. Binita Singh (Sc28)

=====

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

ORAL ORDER

4 23-01-2023

1. Heard the parties.

2. The District Programme Officer (Est.),
Aurangabad, the Block Development officer, Barun,
Aurangabad and the Block Education Officer, Barun,
Aurangabad, who were directed to remain present in the Court
vide order dated 09.01.2023 to show cause as to why costs
should not be imposed on them for non-payment of the salary in
spite of directions issued by the Appellate Tribunal dated
07.11.2014. In response to the above order, counter affidavit has



been filed by the District Programme Officer (Est.), Aurangabad stating that he had taken charge on 20.08.2022 and the petitioner's salary for the financial year from April, 2022 to May 2022 was paid to him on 09.09.2022. Arrears of salary from February, 2020 to March, 2022 has been paid on 16.01.2023. The petitioner is also being allowed to withdraw his salary from month to month basis and the salary has been released till December, 2022. It is further stated that an appeal was preferred against the order passed by the District Appellate Authority bearing no. 117/2021 which was dismissed on 06.10.2021. Learned counsel submits that keeping in view above, the matter may be closed and as the regular salary is being paid to the petitioner, the order impugned in the writ petition dated 06.03.2019 also stands cancelled in terms of the subsequent orders passed by the District Programme Officer.

3. Learned counsel appearing for the petitioner does not contest the facts as mentioned above but submits that there has been a delay in payment of the arrears.

4. I have considered the submissions.

5. Taking into consideration of the facts, the proceedings are closed at this stage. It is noticed that the District Programme Officer joined only recently in August, 2022 and



has taken appreciable steps to comply with the Court's order issued from time to time.

6. In view thereof, no action is proposed to be taken against him. The Block Education Officer and Block Development Officer are cautioned to be careful in future.

7. The writ petition is allowed in aforesaid extent.

(Sanjeev Prakash Sharma, J)

amit/-
Item no.89

U			
---	--	--	--

