

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8797 of 2019

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Anjali Kumari W/o Amarnath Singh Resident of Village-Chitrasenput
(Daulatpur), P.O. - Daulatpur, P.S - Ara Muffasil, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Education Department, Vikash Bhawan, New Secretariat, Patna
3. The District Magistrate, Bhojpur at Ara.
4. The Deputy Development Commissioner, Bhojpur at Ara.
5. The District Education Officer, Bhojpur at Ara
6. The Head Master, Jagrasan Singh, High School 10 - 2 Asani, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Mishra
For the Respondent/s : Mr.Apurva Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 24-06-2024

Heard the parties.

2. The present writ application has been filed for the following reliefs:-

(i) For quashing and setting aside the order passed by the Deputy Development Commissioner-cum-Chief Executive Officer, Bhojpur Zila Parishad, Ara vide his memo no.231 dated 15.10.2018 whereby and where under instead of granting salary of the petitioner for the period 26.07.2016 to 13.02.2017. The said period has been sanctioned as leave without pay though the petitioner has submitted her joining after medical fitness on 26.07.2016 before the Head Master and her joining has been accepted on 14.02.2017, after the



order of DDC, Bhojpur dated 13.02.2017 but salary for the aforesaid period has not been paid to the petitioner.
(ii) For direction upon the respondents for making payment of salary of the petitioner for the period from 26.07.2016 to 13.02.2017 which has not been paid only due to the arbitrary action and colourable exercise of power of the respondents. This writ application is also for further direction upon the respondents to grant any such other relief or reliefs for which the petitioner is found legally entitled in the facts and circumstances of the case.

3. A counter affidavit is filed on behalf of the State in which he has stated that so far as period 26.07.2016 to 13.02.2017 is concerned, it is submitted that the petitioner after giving her joining neither came and mark her attendance in the Office of DDC-cum-CEO, Zila Parishad, Ara nor in the school on 14.02.2007 when letter no.19 dated 13.02.2012 was issued. She was again absent for six months and 12 days. The Rule 2006, only provides for thirty days extra ordinary paid leave in a calendar year. Hence, the period of 26.07.2016 to 13.02.2017 was sanctioned without pay.

4. He further submits that as per the Rule 12(2) of the Teachers Selection and Service Condition Rules 2006, Chairman, Zila Parishad is only empowered to sanction the extra-ordinary leaves.

5. Considering the statements made in the para-8 and 9 of



the counter-affidavit, petitioner is directed to file a representation before the Chairman, Zila Parishad/DDC, Ara, within a period of two weeks along with a copy of this order and other documents in support of her claim and the Chairman, Zila Parishad/DDC, Ara, shall dispose of the representation of the petitioner within a period of ten weeks’ by way of passing a speaking and reasoned order.

6. It is made clear Chairman, Zila Parishad/DDC shall be held responsible non-compliance of this order within the stipulated period.

7. With the aforesaid directions, this writ application is disposed of.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2024
Transmission Date	NA

