

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6049 of 2022

Dr. Bharti Jha W/o Shyamanand Jha, Resident of Village Mahishi (Pathak Tola), P.S. Mahishi, Dist. Saharsa, Presently working as Higher Secondary (Plus 2) History Teacher, at YSS Project Girls Higher Secondary (Plus 2) School, Jalalpur, Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali at Hajipur.
2. The Director, Higher Secondary Education, Bihar, Patna.
3. The Deputy Development Commissioner cum- Chief Executive Officer, Zila Parishad, Vaishali at Hajipur.
4. The District Education Officer, Vaishali at Hajipur.
5. The District Programme Officer (Establishment), Vaishali at Hajipur.
6. The In Charge Headmaster Yogendra Shukla Memorial Project Girls Higher Secondary (Plus 2) School, Jalalpur, Lalganj, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr. Prabhakar Jha (Gp 27)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 13-11-2024 Heard the parties.

2. This writ application has been filed for directing the respondents for issuance of work experience certificate including her service right from the first day of her joining to till date as she is required to submit an experience certificate along with the application form, invited by Bihar Public Service Commission, Patna for appointment on the post of Principal. Petitioner further prays for payment of arrears of salary due from 25.11.2017 to 20.04.2018 as during that period petitioner



was transferred to another school.

3. Learned counsel for the petitioner submits that petitioner joined her service as Zila Parishad Higher Secondary Teacher in response to Letter No. 1270 dated 23.12.2009 in Project Girls Higher Secondary School, Jalalpur, Lalganj, Vaishali (Annexure-1). It is next submitted that in the year 2017, the Principal In Charge of the school started harassing the petitioner and when she protested, senior officials suddenly transferred her to another school without any show cause or request from the part of petitioner for such transfer. Aggrieved by the transfer, petitioner approached the Hon'ble Court by filing writ bearing CWJC No. 18452 of 2017 whereby co-ordinate Bench of this Hon'ble Court quashed the order of transfer *vide* order dated 28.02.2018 (Annexure-2). Despite quashing of the order of transfer, respondents did not allow the petitioner to mark her attendance. Thereafter, petitioner filed contempt petition before this Hon'ble Court *vide* MJC No. 1025/18 for not accepting her joining consequently, therein, petitioner was directed to join the school by 19.04.2018 (Annexure-3) and after following the due procedure, petitioner joined her service on 21.04.2018 and as such, petitioner is entitled for the payment of arrears of salary along with the work



experience certificate.

4. However, by filing counter affidavit, learned counsel for the State respondent submits that pursuant to the order dated 23.11.2017 contained in Memo No. 480 passed by the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Vaishali (Annexure-A to the counter affidavit), the service of petitioner was transferred from Project Girls Higher Secondary School, Jalalpur, Lalganj, Vaishali to Government Higher Secondary School, Chakgulamuddin, Paterhi Belsar, Vaishali but she did not submit her joining at the new place of posting and remained absent till her re-joining in the present school i.e. till 21.04.2018 rather she filed writ petition before the Hon'ble Court and waited for the final order as such, petitioner is not entitled for the payment of arrears of salary as she did not discharge her duty in either of the places of posting. It is further submitted that so far issuance of work experience certificate is concerned, the same has already been issued by the In-charge Principal of the concerned school and has been provided to the petitioner through Speed Post dated 16.03.2022 (Annexure-E to the counter affidavit).

5. In this case, petitioner has made two-fold prayer. The first prayer, i.e. the grievance for issuance of work



experience certificate has already been redressed. So far, the second prayer is concerned, it is not in dispute that during the said period of transfer, petitioner did not join her duty at the new place of posting and deliberately remained absent from the service without any leave or information as such, petitioner cannot claim the payment of arrears of salary for the aforesaid period concerned.

6. Having heard the parties and perusing the materials available on record, this Court concludes that instant writ application is devoid of any merit and the same, accordingly, stands dismissed.

(Prabhat Kumar Singh, J)

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