

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15385 of 2015

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Sudhi Priya D/o Sri Badshah Mahto Resident of Sherpur Colony, Police Station Sadar, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Education Officer, Samastipur.
5. The District Program Officer (Accounts), Samastipur.
6. The District Program Officer (Establishment), Samastipur.
7. The Block Education Officer, Sahit, Vidyapati Nagar, District Samastipur.
8. The Secretary, Gram Panchayat Raj, Sahit, Vidyapati Nagar, District Samastipur.
9. The Officer-in-Charge, Vidyapati Nagar Police Station, District Samastipur.
10. The Superintendent of Police, Samastipur.
11. The Mukhiya, Gram Panchayat Raj, Sahit, Vidyapati Nagar, District Samastipur.
12. Indradeo Kumar S/o Not known Assistant Teacher, Primary School, Sanyasi Tola, Sahit, Vidyapati Nagar, District Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hasnain Haider, Advocate
For the Respondent/s : Mr. Kinkar Kumar, S.C.9

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 06-02-2024

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application for the following relief(s):

*“That this application is for the
issuance of appropriate writ/writs,*



order/orders, direction/directions to the respondents for payment of salary due (June 2012 to till date) as well as for her posting in a more congenial school if possible in nearby District of Muzaffarpur in view of order dated 13.07.2012 passed in C.W.J.C. No.11668 of 2012 and quashed the order dated 1.12.2014 passed by respondent no.2 (Annexure-20).”

3. It is the case of the petitioner that she earlier moved this Court in CWJC no.11668 of 2012 which was disposed of by order dated 13.7.2012 (Annexure-1) giving direction to the Director, Primary Education, Patna to consider and dispose of the representation of the petitioner by a reasoned and speaking order. The said representation of the petitioner was rejected vide order dated 1.12.2014 (Annexure-20), impugned herein.

4. Learned counsel for the respondents submits that a detailed counter affidavit has been filed on behalf of the Block Education Officer, Sahit, Vidyapati Nagar, District Samastipur (respondent no.7) after serving a copy of the same on the then learned counsel for the petitioner. In reference to paragraph nos.29 and 30 to the counter affidavit, it is stated that in the meantime, the services of the petitioner has been terminated on 31.5.2013 and she has been paid an amount vide cheque dated 12.5.2013 for the work done by her.



5. No response has been filed on behalf of the petitioner to the said counter affidavit.

6. In view of the facts and circumstances as stated herein above, if so advised, the petitioner will be required to challenge the order of termination dated 31.5.2013 in a separate writ application.

7. This writ application is accordingly disposed of giving liberty to the petitioner to challenge the order of termination contained in letter no.8 dated 31.5.2013. The petitioner will also be at liberty to pray for payment of her salary dues, if any.

8. The writ application stands disposed of.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.02.2024
Transmission Date	

