

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8853 of 2023

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Birendra Kumar son of Late Ram Narayan Singh, Resident of Village-Akbarpur, P.S. Paliganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education (Primary Education Directorate) Education Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Akhilesh Dutta Verma, Advocate
For the State	:	Mr.Madhaw Pd. Yadaw (Gp23)
		Mr. Sanjay Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 22-04-2024 The learned counsel for the petitioner seeks to file a counter affidavit on behalf of the Chief Secretary, Government of Bihar, Patna, copy whereof has already been filed by the online mode. Let the same be kept on record.

2. Though the present writ petition was filed for quashing the order dated 01.09.2022, whereby and whereunder the petitioner had been suspended with effect from 25.10.2021 and thereafter, he had stood superannuated w.e.f. 31.12.2023, however, during the interregnum period, the petitioner has stood exonerated in the ongoing departmental proceeding, by an order dated 16.04.2024, passed by the Director, Primary Education, Education Department, Government of Bihar, Patna, hence all



the retiral dues has now stood paid to the petitioner.

3. Nonetheless, the learned counsel for the petitioner submits that the salary for the period 25.10.2021 to 31.12.2023, over and above the amount of subsistence allowance already paid to the petitioner, is now required to be paid to the petitioner.

4. Having regard to the aforesaid aspect of the matter, this Court deems it fit and proper to direct the Director, Primary Education, Education Department, Government of Bihar, Patna to take a decision with regard to payment of the balance amount of salary for the suspension period, as aforesaid, by passing a reasoned and a speaking order, within a period of six weeks of receipt/production of a copy of this order and in case any amount is found payable, the same shall also be paid within the same time frame.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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