

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1629 of 2021

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AMIT KUMAR S/o Upananda Pramanik R/o Village- Karan Dighi, Pachim Mohanpur, District- Uttar Dinajpur, West Bengal, presently lives at village and Post- Mahishal Block- Balrampur, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department, Bihar, Patna
2. The Director, Primary Education, Education Department, Bihar, Patna
3. The District Education Officer, Katihar
4. The District Programme Officer (Establishment) Katihar
5. The Block Education Officer, Balrampur Block, District- Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha
For the Respondent/s : Mrs.Binita Singh, SC 28

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-07-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ application has been filed by the petitioner for the following relief/s:

“(i) For issuance of a writ/writs directing the respondents to make payment of all the consequential benefits (Honorarium from March, 2013 to March, 2019) to the petitioner in the light of Letter No.393 dated 27.3.2019 issued by the Block Development Officer on the direction of D.E.O., Katihar.

(ii) For issuance of a writ/writs



directing the respondents that “The petitioner must be paid interest on the amount of honorarium issued through letter No.393 dated 27.3.2019) which was intentionally kept pending, after repeated mental and financial torture by same authority.”

3. Learned counsel for the petitioner submits that the fact of the present case is that the petitioner was appointed as Block Teacher and later on, a F.I.R. was lodged against the petitioner, alleging that the petitioner has secured the appointment on the post of Block Teacher on the basis of forged certificate. When the F.I.R. was lodged, the petitioner filed a case before the Appellate Authority, in which the District Appellate Authority passed an order and called for the certificates from the Bihar School Examination Board and it was found that the certificate of the petitioner was genuine, thereafter, the F.I.R., which was lodged against the petitioner, in the trial, the petitioner was acquitted by a competent Court.

4. A counter-affidavit is filed on behalf of the State, in which it is stated that during pendency of the criminal case, the petitioner has not worked from 19.02.2013 to 26.08.2018, therefore, he is not entitled for the due salary as per No work no



pay.

5. Learned counsel for the petitioner submits that when the petitioner was granted bail, he tried to join the post as Block Teacher but the Authority has not taken his joining, therefore, he could not work.

6. Considering the aforesaid facts and circumstances, it is an admitted fact that the petitioner has not worked from 19.02.2013 to 26.08.2018, therefore, he is not entitled for the salary of the said period but the concerned Authority is directed to continue the service of the petitioner without any break and give the notional benefits to him. The petitioner has joined the service in August, 2018 but he is getting regular salary from April, 2019, therefore, the concerned Authority is directed to pay the salary of the petitioner from August, 2018 to April, 2019, within a period of two months.

7. With the aforesaid observation and direction, this writ application is disposed of.

(Anjani Kumar Sharan, J)

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