

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18042 of 2024

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Dinesh Safi (Retd. Deputy Director) Son of Late Mahanthi Safi, R/o- At and P.O. - Sukki, P.S. Khajauli, District- Madhubani, presently residing at Indira Colony (Alalpatti) Gali No. 06, Post - Darbhanga Medical College, Via- Laheriasarai, Darbhanga, Pin - 846003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director Administration-cum-Additional Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Purushottam Kumar Jha, Advocate Mr.Avanindra Kumar Jha, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha, AAG 7

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-11-2024 Heard Mr. Purushottam Kuamr Jha along with Mr. Avanimdra Kumar Jha, learned counsels appearing on behalf of the petitioner and Mr. Yogendra Prasad Sinha, learned AAG 7 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:-

“(i) To hold and declare that the action of the respondents in not making payment of the arrears of salary to the petitioner (*for the period in between 02 July, 2018 and 31.10.2018*), which has accrued on account of revision of pay vide Memo No.628 dated 30.07.2021 (Annex-P/1) and in respect whereof the



basic pay has been crystalized vide Letter No.FS No.0004/2022-2023 (Ann-P/3) & calculation of arrear of salary has been crystalized vide (Ann P/4), is outrightly arbitrary, discriminatory, malafide, malacious and fit to be deprecated by this Hon'ble Court.

(ii) For issuance of an order, direction or a writ in the nature of mandamus commanding the respondents concerned to ensure payment of the arrears of salary to the petitioner *{for the period, in between 02.07.2018 to 31.10.2018 while, he has been posted as Deputy Director, in the Bihar Board of Open Schooling and Examination (BBOSE)}* along with panel interest @ 18 % per annum.

(iii) For grant of any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation before the appropriate authority to pursue his remedy for payment of arrear of salary along with the penal interest for the period from 02.07.2018 to 31.10.2018, as has been done earlier, in accordance with law.

4. In view of the fact that the petitioner seeks to file a detailed representation, the authority concerned is directed to call the service particulars of the petitioner from the record which, the petitioner was posted as the Deputy Director in Bihar Board of Open Schooling and Examination (BBOSE) for considering his representation with respect to payment of difference of salary and other dues expeditiously in accordance



with law.

5. In case, the authority concerned makes delay in disposal of the representation of the petitioner, the petitioner is at liberty to take action against the authority concerned in accordance with law.

6. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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