

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6686 of 2020

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Shri Kanti Mishra Wife of Sri Chandrabhan Mishra, Resident of Village-
Prasidhnath, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director Primary Education Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj.
5. The District Education Officer, Gopalganj.
6. The District Programme Officer Establishment, Gopalganj.
7. The District Provident Fund Officer, Gopalganj.
8. The Treasury Officer, Gopalganj.
9. The Block Education Officer, Panchdeori, Gopalganj.
10. The Block Education Officer, Kateya, Gopalganj.
11. The Head master-cum- Drawing Disbursing Officer, Government Middle School Gaura Kateya, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 28-01-2025 Heard Mr. Sanjay Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Madanjeet Kumar, learned

GP 20 for the State.

2. Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:-

*“ That this is an application for issuance of
writ of certiorari for quashing of order as contained in
memo no.1624 dated 12.09.2019 (Annexure-9) issued by*



Respondent No.6 by which arrears of salary to the petitioner between August, 1998 to August 2006, between March 2009 to February, 2010 and between march 2010 to February 2011 and monthly salary of January, 2012, July 2012, January 2013, September, 2014, December, 2014 has been denied/rejected by Respondent No.6 in very illegal and erroneous manner even though petitioner has discharged her duty regularly and continuously against aforesaid period and further for issuance of a writ of mandamus directing/commanding the Respondents to paid entire arrears of salary with up-to-date interest to the petitioner for the period as has been stated above and if any other relief/reliefs for which petitioner is entitled for.”

3. Learned counsel appearing on behalf of the State submitted that though certain wrong entries were made by the then Block Education Officer in the service book of the petitioner by incorrectly mentioning the pay increment in it, however, the District Programme Officer (Establishment), Gopalganj has directed the present Block Education Officer, Kateya to lodge FIR against the then Block Education Officer and in support of the same, a communication contained in letter No.56 dated 01.02.2020 has been brought on record by way of Annexure A to the counter affidavit.

4. In view of the aforesaid submission made on behalf of the State, I find that the petitioner has a remedy before the Director, Primary Education, Bihar or before any other



appropriate authority, where he can challenge the order contained in Memo No.1624 dated 12.09.2019 (Annexure 9), which was also a matter of consideration before this Court in earlier writ petition filed on behalf of the petitioner bearing CWJC No.15270 of 2019 and *vide* order dated 16.09.2019, this Court had given liberty to the petitioner to challenge the order dated 12.09.2019 passed by the District Programme Officer (Establishment), but instead of challenging the same before the statutory body, the petitioner has directly come before this Court and now informs that master and servant relationship ends with the retirement of the government officer as the petitioner had already retired on 28.02.2019 before the order dated 16.09.2019 passed in CWJC No.15207 of 2019 and this Court had granted such liberty to the petitioner as being conscious of the said information. The operative portion of the order dated 16.09.2019 is reproduced hereinafter:

“Having regard to the counter affidavit filed on behalf of the respondent no.6, I deem it fit and proper to dispose of the present writ petition with a direction to the Accountant General, Bihar, Patna to issue the PPO and GPO within a period of two weeks from today, whereafter the Treasury Officer, Gopalganj shall make payment of the entire pension and gratuity amount within a further period of four weeks. It is further directed that the aforesaid exercise should be completed within a period of six weeks from today.

At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to challenge the order dated 12.09.2019 passed by the District Programme Officer, Establishment, whereby and whereunder the claim of the petitioner for arrears of salary has been rejected.

Liberty so sought is granted.

The writ petition stands disposed of on the aforesaid



terms.”

5. I find that at this stage, no interference is required in any manner, in view of the liberty already granted to the petitioner. The petitioner can avail appropriate remedy, in accordance with law, for redressal of his grievance before appropriate forum.

6. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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