

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12686 of 2012

Kamendra Kumar 'Kamesh', son of Gopal Sharan Singh, resident of Village-Chhata, P.S.-Masaurhi, District-Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Director (Administration) cum Additional Secretary, Department of Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Purnea.
6. The Regional Deputy Director of Education, Magadh Division, Gaya.
7. The Regional Deputy Director of Education, Rohtas.
8. The District Education Officer, Katihar.
9. The District Education Officer, Gaya.
10. The District Education Officer, Rohtas.
11. The Principal, Mahila Primary Teachers Training College, Gaya.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv

For the Respondent/s : Mr. Santosh Chandra Bhaskar, AC to GP-11

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 30-11-2018

Heard Mr. Shivendra Prasad, learned counsel

for the petitioner and Mr. Santosh Chandra Bhaskar,



learned counsel for the State.

2. This writ petition has been filed seeking direction for making the payment of salary to the petitioner for the period 11.02.2010 to 01.12.2010 which is not being paid to him on the ground that he never worked for that period.

3. It appears from the records that while the petitioner was working as Block Education Extention Officer in Katihar, he was transferred to the post of Lecturer, Primary Teachers Training College, DIET, Gaya on 11.02.2010.

4. It appears that he approached the Principal of the aforesaid college, Gaya on 01.12.2010 for giving his joining i.e. after ten months of the order of his transfer to the aforesaid college. The Principal of the concerned training college thereafter sought an opinion from the Director, Primary Education, Bihar regarding the permissibility of the petitioner joining on the post on which he was transferred on 11.02.2010.

5. A show cause also was asked from the



petitioner by the Director, Primary Education, seeking explanation from him as to why he had delayed for about ten months in reporting his joining to his place of posting. The show cause reply of the petitioner was that he was on medical leave because of his illness. The aforesaid ground did not find favour with the authorities and it was found that if this ground was genuine, the report with respect to his sickness would have been received either in the Department or in the College where he was posted shortly after the order of transfer. The petitioner, therefore was held guilty of dereliction of duty and indiscipline.

6. This Court has no idea whether any punishment was given to him with respect to such finding of the disciplinary authority. However, later, the petitioner was transferred to another teacher's training college in Sasaram.

7. The payment for the period 11.02.2010 to 01.12.2010 has not been given to him as admittedly he has not worked on that post.



8. No fault can be found with the decision of the Government in withholding the pay for the aforesaid period.

9. This writ petition has no merits and therefore the same is dismissed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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