

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.22649 of 2012**

Md. Hasim Raien @ Md. Hasim, Son of Md. Nasiruddin, Resident of Village-Karuna, Post Office- Bishoul, Police Station- Harlakhi, District- Madhubani  
.... .... Petitioner/s

Versus

1. The State of Bihar  
2. The District Education Officer, Madhubani  
3. The Block Development Officer, Umgauno (Harlakhi), Madhubani  
4. The Block Education Officer, Umgauno (Harlakhi) Madhubani  
.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Yogendra Prasad, Advocate  
For the Respondent/s : Mr. P.K. VERMA, AAG5

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**  
**Date: 31-07-2018**

Heard learned counsel for the petitioner and State.

2. This writ application has been filed after service of two advance copies on 07.12.2012 to the office of Advocate General. Even after six years no counter affidavit has been filed on behalf of respondents.

3. The petitioner has filed the present writ application for quashing of letter no. 400 dated 12.07.2012, whereby the Block Education Officer, Umgaon, Harlakhi, Madhubani issued letter staying the salary of the petitioner with immediate effect on the ground of suspicion as to the marks obtained by the petitioner in procuring appointment.

4. In the instant case event after almost six years, no



counter affidavit has been filed and the order staying the payment was issued only on the ground of suspicion without conducting any enquiry.

5. Under the aforesaid circumstance, the Court is left with no option but to dispose of the application with a direction to the District Education Officer, Madhubani to enquire into the legality and validity of the appointment of the petitioner, if not already completed, be completed within a period of two months from the date of receipt/production of a copy of this order. In the event, the appointment of the petitioner is found legal and valid, the respondents are under obligation to ensure payment of salary to the petitioner for the period he has actually worked.

6. Entire exercise in this regard must be completed by the respondents within a maximum period of two months as indicated hereinabove.

7. With the aforesaid, the writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2018
Transmission Date	

