
(2012) 02 PAT CK 0101
In the Patna High Court
Case No : CWJC No. 3798 of 2012

Md. Nurullah and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 27-02-2012

Acts Referred:

Citation : (2012) 3 PLJR 764

Hon'ble Judges : J.N. Singh, J

Bench : Single Bench

Advocate : Karuna Kant Jha, for the Appellant; Anjani Kumar, for the Respondent

Judgement

J.N. Singh, J.—From Annexures-1 and 1/A, it appears that petitioners and others had moved this Court against orders of their transfer. The writ applications have been entertained and their transfer orders have been stayed by this Court. The said applications are still pending. However, taking note of the said order, Regional Deputy Director of Education, Saharsa has issued orders on the basis of which the District Education Officer has issued orders as contained in Annexure-3 by which salary of the petitioners and others has been ordered to be paid from different schools. Learned counsel for the petitioners submits that since transfer orders of the petitioners were stayed by this Court and the matter is still pending and the posts on which they were working in the parent schools are still vacant, their salary should be paid from their parent schools and not from different schools.

2. If the said orders of this Court in respective writ applications of petitioners are in operation, effect of the same is that they still continue in their parent schools. In the circumstances, it is obvious that they are to be paid their salary against the posts on which they were working prior to their transfer. This writ application is, accordingly, allowed with a direction to the respondent-District Education Officer, Supaul to issue orders for payment of salary to the petitioners from their parent schools against the posts on which they were working prior to their transfer, in the light of the said order of this Court. In this regard, appropriate

order must be issued by the District Education Officer within two weeks from the date of receipt/production of a copy of this order.