

---

**(2000) 02 PAT CK 0062**  
**In the Patna High Court**  
**Case No : C.W.J.C. No. 2239 of 1999**

Om Prakash

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

---

**Date of Decision :** 02-02-2000

**Acts Referred:**

**Citation :** (2000) 2 PLJR 86

**Hon'ble Judges :** S.J. Mukhopadhaya, J

**Bench :** Single Bench

**Advocate :** Ranjan Kumar Singh, for the Appellant; Madhuri Lata, for the Respondent

---

## Judgement

S.J. Mukhopadhaya, J.—Heard the parties.

2. In view of order this Court intends to pass, giving opportunity to 6th Respondent to comply the order of superior, it is not necessary to hear the said Respondent at this stage.

3. The Petitioner who was Assistant Teacher of High School, Camp Jail, B.M.P.5, was transferred from the said school to Bihar Vidyapith Swabhamban Sadaquat Ashram, Patna.

4. While posted in High School, Camp Jail, B.M.P.5, his salary was not paid from November, 1996 to December, 1998.

5. The grievance of the Petitioner is that the Respondent, Principal, Charushila who was functioning as Head Mistress-cum-Drawing Disbursing Officer, High School, Camp Jail, B.M.P.5, in spite of order issued by the Regional Deputy Director of Education, contained in memo No. 2231 dated 21st November, 1998, has not released the payment in favour of Petitioner.

6. In the counter affidavit filed on behalf of Respondent No. 5 D.E.O. while it has been accepted that the Petitioner is entitled for salary and the Principal of the school has been ordered to pay, by order report, contained in Memo No. 170

dated 1st February, 2000, it has been requested to make payment on correction of wrong entry in the Service Book and higher authorities have been asked to pass necessary orders against Smt. Charushila, Head Mistress for disobedience of order/direction of superior officers.

7. In the circumstances, without going into the allegations as made against Respondent-Charushila, Head Mistress, I direct the Respondents to pay the full salary of Petitioner for the period aforesaid from November, 1996 to December, 1998, after necessary correction of Service Book.

8. The Head Mistress aforesaid is to ensure compliance of the order passed by the superior officers for payment of salary in favour of Petitioner within fifteen days from the date of receipt/production of a copy of this order.

9. The Director, Secondary Education, Govt. of Bihar is directed to ensure compliance of this order. If this order is not complied the Petitioner may bring the fact to the notice of this Court for taking action against the erring officer/person, including the Head Mistress, apart from disciplinary authority, which may be taken by the authorities.

10. The writ petition stands disposed of with the aforesaid observations and directions.