



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10630 of 2022

Binay Kumar Chaudhary Son of Late Kameshwar Chaudhary Resident of
Faisad Ka Maidan, Patna City, P.S.- Sampatchak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director-in-Chief (Disease Control), Health Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director-in-Chief (Nursing), Health Services, Govt. of Bihar, New Secretariat, Patna.
4. District Magistrate, Nalanda.
5. Civil Surgeon-cum-Chief Medical Officer, Nalanda.
6. In-charge Medical Officer, Referall Hospital, Kalyan Bigha, Harnaut, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate Mr. Anand Kumar Tiwari, Advocate Mr. Madhumay Madhup, Advocate
For the Respondent/s	:	Mr. Binod Kumar Yadav, SC-18

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 27-04-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following reliefs :-

*“i. For issuance of writ/writs in the
nature of mandamus directing the respondents to
make payment of salary along with other
allowances from the date of joining till date.*

*ii. For directing the respondents to
pay interest on the due salary and the*





allowances as per the applicable govt. rate.

iii. For any other relief/reliefs as your lordships may deem fit and proper in the interest of justice.”

3. It is the case of the petitioner that the petitioner having obtained his diploma in Medical Radiographic Technology from the Institute of Medical and Technological Research, Kolkata in the session 2011-13, on the Bihar Staff Selection Commission coming out with an advertisement, the petitioner filed the application and came to be appointed in the year 2018. As directed, he joined as an X-ray Technician under the Civil Surgeon-cum-Chief Medical Officer, Nalanda in Referral Hospital Kalyan Bigha, Nalanda.

4. The case of the petitioner in brief is that inspite of having joined and working since the date of his joining i.e. 12.9.2018 to the satisfaction of all concerned, he has not been paid salary only for the reason that his certificate with respect to his educational qualification has not been verified by the respondent authorities.

5. Admitting the aforesaid contention, learned counsel for the respondents submits in reference to the statement made in the counter affidavit filed on behalf of respondent nos.4 to 6 that inspite of the respondents having attempted to verify the





certificate of the petitioner including by letter no.322 dated 1.10.2022 by sending the same to the Secretary, Family Welfare Department, West Bengal, no reply has been received and thus the educational qualification of the petitioner could not be verified. Awaiting verification of the educational qualification, salary has not been paid to the petitioner.

6. Having heard learned counsel for the parties and having perused the contents of the petition, in the opinion of the Court, the delay by the respondents in carrying out the verification of the educational qualification cannot be a ground for holding up the salary of the petitioner, who is otherwise entitled for the same.

7. The instant application is disposed of with a direction to the respondents especially the Civil Surgeon-cum-Chief Medical Officer, Nalanda (respondent no.5) to pay to the petitioner the arrears of salary for the period from 12.9.2018 till the present date without any further delay within a period of three months.

8. It is also directed that the respondent concerned shall start and continue to pay to the petitioner the monthly salary as and when the same is due. It is further clarified that the other respondents including the Director-in-Chief (Disease





Control), Health Department, Government of Bihar (respondent no.2) as also the District Magistrate, Nalanda (respondent no.4) shall provide assistance as and when required to the concerned respondent no.5 in payment of salary to the petitioner.

9. Any salary so paid shall be subject to the verification of the certificate with respect to the educational qualification of the petitioner furnished by the petitioner at the time of filing of his application.

10. The writ application stands allowed.

(Partha Sarthy, J)

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