

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Civil Review No.76 of 2021

With

W.P.(C) No.4843 of 2021

CORAM: HON'BLE DR. JUSTICE S.N.PATHAK

For the Petitioner : Mr. Mahesh Tewari, Advocate
For the Respondents : Mr. Munna Lal Yadav, SC (L&C)
Mr. Rakesh Kr. Roy, AC to GA-III
Mr. Ashok Kr. Singh, Advocate
Mrs. Richa Sanchita, Advocate
Ms. Pinky Shaw, Advocate

13/ 15.04.2024 Heard the parties.

Earlier, the respondents were directed to come with a specific affidavit as to why the amount in the head of salary has not been paid to the present petitioner namely Anup Chandra Mishra who is a teacher in Ram Yasho Rai Sanskrit High School, Madhupur (Deoghar). Petitioner who is still working, is claiming salary from the date of his initial appointment till date.

It has been argued by the learned counsel for the petitioner that even if the affiliation/registration of the school has been cancelled in the year 2021, petitioner is entitled for salary till 2020.

From the perusal of documents brought on record at Annexure-(e) of the supplementary counter affidavit, it appears that a huge amount of Rs.1,42,33,285/- has been released and given to the said school for payment of salary. It also appears that an amount of Rs.40,77,049/- has been returned to the treasury. On the said affidavit and documents at Annexure-E at page-28, it also appears that during 2008 to 2009 as on 12.07.2008 the In-charge Principal and Peon orderly have been paid Rs.1,42,321/-.

This court fails to understand as to when other similarly situated persons working in the said school were paid salaries, why the petitioner was deprived of the same. It was neither the case of the management nor the State or the JAC that petitioner was appointment fraudulently or his appointment is under question and he is not continuing on the said post rather it was admitted

that petitioner was duly appointed, following the due procedures and is still continuing on the said post.

This Court is of the view that instead of passing harsh orders and asking DEO, Deoghar to be present in the Court to explain as to why the salary of the petitioner was withheld, one more opportunity is given to the respondents to pay the salary of the petitioner within a period of four weeks. However, if the amount is not paid to the petitioner, the same shall be recovered from the erring officials who were responsible for non-payment of salary to the petitioner. This Court will also not hesitate in asking the respondents-State to lodge an FIR against their own officials who were responsible for withholding of salary of the petitioner.

Let the entire exercise be completed within a period of four weeks from the date of receipt of copy of this order.

Further, learned counsel for the respondent-JAC is directed to file specific affidavit in view of Annexure-E page-28 of the counter-affidavit as to when the amount was released by the State to the Management why the same was not paid to the teacher concerned /writ petitioner of this case.

Put up this case on 18.06.2024.

(Dr. S.N. Pathak, J.)

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