

G.P-26
17-10-14.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ jurisdiction)

C.W.J.C. No.-----of 2014.

Ramendra Prasad YadavPetitioner.

Versus

The state of Bihar & orsRespondents.

Sub:- Salary Matter (School service)

INDEX

<u>Sl. No.</u>	<u>Particulars of Papers</u>	<u>Page No.</u>
1.	Writ application with affidavit.	1 to 16
2.	Annexure-1:- The true photo copy of the Letter dated 30.12.1988.	17- 18
3.	Annexure-2:- The true /photo copy of the letter bearing memo No. 3071 dated 08.12.1992.	19 - 21
4.	Annexure-3:- The true /photo copy of said letter issued vide memo dated 17.07.1993 by D.S.E. Madhepura.	22 - 23
5.	Annexure-4:- The true/ photo copy of the said letter communicated vide memo dated 30.12.1996.	24 - 27
6.	Annexure-5 A true/typed copy of the said letter dated 27.03.1999.	28
7.	Annexure-6 A true/photo copy of the order dated 03.07.2007.	29
8.	Vakalatnama	

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ jurisdiction)

C.W.J.C. No.-----of 2014.

Ramendra Prasad YadavPetitioner.

Versus

The state of Bihar & orsRespondents

SYNOPSIS**Relief (s) sought**

That the writ petitioner seeks indulgence of this Hon'ble court for the following main relief (s):--

- I. For issuance of a writ in the nature of mandamus commanding the respondents for payment of arrears of salary from 06.12.1988 to 15.07.1993 and from 23.12.1996 to 31.03.2007 as well as for payment of his legitimate dues.
- II. For interest and compensation on delayed payment.
- III. For any other relief (s), direction (s), order(s) to which petitioner may be found entitled in the facts and circumstances of the case.

List of dates of event in chronological order

- 09.11.1970 Petitioner submitted joining in the school.
- 30.12.1988 Letter was issued approving the service of the petitioner.
- 26.02.1990 Salary of the petitioner was stopped.
- 08.12.1992 The Secretary HRD issued instruction to D.D.C. Madhepura that petitioner should be paid salary of he fulfills the condition.
- 17.07.1993 Order was passed to pay the salary.
- 30.12.1996 Again order by D.S.E. was passed to stop the salary.
- 27.03.1999 Earlier order dated 08.03.1999 was recalled.
- 26.3.2008 The then D.S.E. Madhepura granted permission to pay the salary in view of CWJC No. 10547/1999 even then salary and other dues has not been paid.

Hence this writ petition.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C. No. of 2014

In the matter of an application under
Article 226 of the Constitution of India;

And

In the matter of:--

Ramendra Prasad Yadav Son of Late Bhumneshwari Prasad Yadav,
resident of village- Sabaila, P.S.- SourBazar, District- Saharsa.

..... Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, old Secretariate.

Bihar, Patna.

2. The Secretary Primary Education Department Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The regional Deputy Director of Education, Koshi Division, Saharsa, District- Saharsa.
5. The District Magistrate, Madhepura, District- Madhepura.
6. The Deputy Development Commissioner, Madhepura, District- Madhepura.
7. The District Programme officer Establishment, Madhepura, District- Madhepura.
8. The District Treasury officer, Madhepura.

.... Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Doshit the chief justice of the High court of Judicature at Patna and her companion justices of the said Hon'ble court.

The humble writ petition on behalf of the petitioner named above.

Most Respectfully Sheweth:-

1. That the writ petitioner seeks indulgence of this Hon'ble court for the following main relief (s):--

- I. For issuance of a writ in the nature of mandamus commanding the respondents for payment of arrears of salary from 06.12.1988 to 15.07.1993 and from 23.12.1996 to 31.03.2007 as well as for payment of his legitimate dues.
- II. For interest and compensation on delayed payment.
- III. For any other relief (s), direction (s), order(s) to which petitioner may be found entitled in the facts and circumstances of the case.

2. That the writ application is inter alia based on the following main

Grounds:--

- I. For that the action of the respondents is arbitrary, malafide and against all cannons of Justice.

II. For that the respondents are obliged to pay the legitimate dues of the petitioner.

III. For that in any view of the matter the petitioner is entitled to relief(s) as claimed herein.

3. That the petitioner is the citizen of India residing within the territorial jurisdiction of this Hon'ble court and cause of action arisen is under the jurisdiction of this Hon'ble court.
4. That the petitioner was appointed by the managing committee before 1971 i.e. before the takeover of his school he submitted his joining on 09.11.1970 in primary school Maheshua P.S. and District-Madhepura as an assistant teacher and after nationalization of the school in the state of Bihar the service of the petitioner was taken over by the state Government and he continuously worked there after.
5. That the Bihar Non-Government Elementary school (Taking over) ordinance, 1976 (herein after referred to as the "ordinance") was promulgated to have effect from 1st January 1971 which was later on enacted as an act after promulgation of different ordinances and

ultimately the Bihar Non-Government Elementary school (taking over of control) Act-1976 Bihar Act 36 of 1976 (herein after referred to as the Act) was enacted for taking over control of Non-Government Elementary school situated within the state of Bihar for better organization and development of Elementary Education in the state of the Bihar.

6. That section 3(3) of the Act deals with taking over of elementary school administered by any public or private undertaking and it has been stipulated there in that the state Government by publication of a notification in the official gazette shall take over the management of the said school and school of petitioner was taken over by the state Government under section 3(3) of the Act and consequence of said taking over was that the service of the petitioner was taken over by the state Government and his service was transferred to the state Govt. and he became employee of the state Govt. under provision of the Act.
7. That in the District of Madhepura the service of various teachers were taken over by the state Govt. and inspite of taking over the management of the school due to wrong interpretation of taking

over Act much time was taken by the Director, Primary Education to approve the service of the petitioner with certain conditions and letter to approve the service of the petitioner was issued by the Director, Primary Education-cum-Addl. Secretary with three conditions, vide letter as contained in Gyapank-3329 dated 30.12.1988.

A true/typed copies of said letter dated 30.12.1988 is annexed herewith and marked as Annexure-1 to this petition.

8. That in persuance to letter as contained in Annexure-1 the Regional Deputy Director of Education, Koshi Division Saharsa and concerned D.S.E. also issued letter approving the service of the petitioner and thereafter a full-fledged enquiry was conducted and letter was issued to make payment of salary to the petitioner with effect from July-1993.
9. That after various enquiries the Establishment committee in its meeting dated 13.09.1989 instructed the Deputy Development commissioner, Madhepura to make enquiry into the matter and to prepare a list of those teachers, who were fulfilling the requisite

conditions and the D.D.C. Madhepura prepared two lists after full-fledged enquiry and one list was with regard to 63 persons whereas another list was with regard to 35 persons and name of the petitioner finds place in the list of 35 persons, by which the Deputy Development Commissioner, Madhepura made recommendation that the petitioner was holding required qualification and he was appointed before the out off date and he should be paid salary.

10. That after the list was sent by the D.D.C. Madhepura, the salary was paid to the petitioner and others and persons whose names find place in the list of 63 persons referred to above but the Director Primary Education-cum-Joint Secretary vide memo No. 89 dated 26.02.1990 issued direction to stop salary of all teachers although letter was issued in the context of those teachers whose names were in the list of 63 persons but even the salary of the petitioner and others was stopped on the basis of said letter.

11. That the letter was completely without jurisdiction as it was against the terms of section 4(2) of the Act and stopping the salary of the petitioner on the basis of ^{that} ~~Annexure~~ the respondents committed a serious mistake.

12. That the secretary, Department of Human Resources Development vide memo No. 3071 dated 08.12.1992 issued Instructions to the D.D.C. Madhepura that if the teachers of the list sent vide memo No. 327 dated 28.12.1989 were fulfilling requisite conditions then they should be paid their salary but very surprisingly after said communication orders were passed to pay salary to 63 persons, whose salary were specifically stopped by Director, Primary Education but the salary of the petitioner and others was not paid on the basis of letter aforesaid although there was no specific order to stop the salary of the petitioner by Director by issuing any letter and only on the strength of letter with regard to 63 persons salary of petitioners was stopped.

A true /typed copy of the letter bearing memo No. 3071 dated 08.12.1992 is annexed herewith and marked as Annexure-2 for identification which forms part of the application.

13. That after issuance of letter as contained in Annexure-2 the authorities passed order to pay salary to 63 persons, whose salary

was earlier stopped on the basis of letter, of Director, but with regard to the petitioner various queries were made and ultimately order was passed to pay salary to petitioner after full-fledged enquiry and report of the District magistrate and the D.D.C. Madhepura vide memo No. 37-6 dated 17.07.1993 but on the strength of said letters salary was paid to petitioner only after July - 1993.

A true /typed copy of said letter issued vide memo dated 17.07.1993 by D.S.E. Madhepura is annexed herewith and marked as Annexure-3 to this application.

14. That salary remained due with the respondents and said salary has not yet been paid to petitioner orders were passed by the D.S.E. Madhepura to stop the salary of the petitioner and others on the ground that with regard to 63 persons, orders were received from the Directorate to pay their salary but no order has been received with regard to those persons, who were in the list of 35 persons ignoring the fact that the order to stop the salary was passed with

regard to only 63 persons and as there was no restraint order for paying the salary to the petitioner by the Director so no order was passed with regard to petitioner but surprisingly enough, the District Superintendent of Education vide his memo bearing No. 683-2 dated 30 th of December-1996 passed order to stop the salary of the petitioner.

A true/ typed copy of the said letter communicated vide memo dated 30.12.1996 is annexed herewith and marked as Annexure-4 for identification which forms part of this application.

15. That the petitioner even after different orders passed from time to time for payment of salary and for stopping salary, continued to discharge duties in school to the satisfaction of all concerned the District Superintendent of Education sought clarification from the Director, Primary Education, as to whether the salary of the petitioner and others can be paid or not and the D.S.E. specifically mentioned in his letter that all the petitioner are continuously working in their respective schools.

16. That the Deputy Director of Education, vide his letter bearing No. 2127 dated 11.08.1997 sought certain clarification regarding the petitioner and others for payment of their salary.
17. That the D.S.E. Madhepura vide his letter bearing No. 2448 dated 28 th October-1997 sent his reply saying that all the petitioner and others were working in their respective schools.
18. That the letter was issued after thorough enquiry but this time, the Director Primary Education vide his letter bearing No. 2987 dated 26.12.1997 made certain observations with regard to 63 persons but again made certain queries with regard to the petitioner although services of the petitioner and others were earlier approved by letter, as contained in Annexure-1 and there was no rational in making again and again enquiries with regard to the petitioner and others for payment of the salary.
19. That the District Superintendent of Education sent a detailed reply and made recommendation to pay salary to 30 teachers, whose names were sent alongwith the list of 35 persons, as some teachers by that time were either dead or left the employment or were not in service.

20. That this time, the D.D.C. Madhepura asked certain question to the D.S.E. as to how in first list the names of 35 persons were there but in the second list the names of only 29 persons were there and later on the names of 30 persons were recommended for payment of their salary.
21. That the D.S.E. gave clarification that names of one teacher was left by mistake and as far as other five teachers were concerned, they either left the services or were terminated or died and thus only names of 30 persons were recommended for making payment of their salary.
22. That subsequently orders were passed to make payment of salary to petitioner.
23. That thereafter on 27.03.1999 again order was passed recalling the earlier orders, which were issued with regard to the petitioner and others vide memo bearing No. 421-13 dated 27.03.1999.

A true/typed copy of the said letter dated 27.03.1999 is annexed herewith and marked as Annexure-5 for

identification which forms part of this application.

24. That petitioner and others filed CWJC No. 10547/99 for quashing the order dated 27.03.1999 issued under the signature of the then D.S.E. Madhepura as contained in Annexure-6 to the petitioner as well as for payment of the arrears of salary as well as for interest and compensation.
25. That in view of the aforesaid writ application the office order under the signature of the then D.S.E. Madhepura from the office of D.S.E. Madhepura was issued on 26.03.2008 vide Gyapank 244 N1/Madhepura dated 26.03.2008 granting permission for payment of salary.

A true/photo copy of the order dated 03.07.2007 is annexed herewith and marked as Annexure-6 to this application.

26. That the petitioner has superannuated on 31.08.2012 from Middle school Tarkahi under P.S.+Block+District- Madhepura and till the date his arrear of salary by dues with the respondents prom

30.12.1988 to 15.07.1993 and 23.12.1996 to 31.03.2007 not only this his other legitimate dues i.e. retirel dues have not been paid till the date.

27. That due to arbitrary, illegal action of the respondents the petitioner has been suffering a lot.
28. That the petitioner has got no other equally efficacious and alternative remedy except to invoke the extra ordinary writ jurisdiction of this Hon'ble court by way of instant writ application.
29. That the petitioner has never moved against the subject matter of instant case any time before this Hon'ble court in any manner except CWJC No. 10547/1999.

It is, therefore, prayed that your lordships may graciously be pleased to issue Rule NISI, calling upon the respondents to show cause and if the cause is being shown otherwise your lordships may graciously be pleased to allow this application by way of granting

relief(s) as prayed in paragraph No. 1 of
the petition.

And/or

Be further pleased to pass such other
order/orders as your lordships may
deem fit and proper.

And for this the petitioner shall ever pray.

AFFIDAVIT

I Ramendra Prasad Yadav aged about 64 years Son of Late
Bhumneshwari Prasad Yadav, resident of village- Sabaila, P.S.-
SourBazar, District- Saharsa. Do hereby solemnly affirm and state as
follows:--

1. That I am petitioner in the instant case and as such am well
acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read over by me which I
have fully understood and the statements made in Para nos.3, 4, 5, 6, 8,
9(P), 11, 15 to 22, 24, 26 to 29. are true to my knowledge and those made
in Para nos. 7, 9(P), 10, 12,13,14 23, 25 are true to my information derived
from the record of this case and rest are by way of submission to this
Hon'ble Court.
3. That the Annexures are true photo/typed copies of their respective
originals.

Ramendra pd yadav.

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गुणवत्त्व-1
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A1

एनेक्सचर - 1/4

पत्रांक - 9/व3-304/88 मा0 3329

मानव संसाधन विकास विभाग ।

प्रेषक,

श्री राम सिंगार सिंह,

निदेशक (प्रा0 शि0)-सह-अपर सचिव ।

सेवा में,

क्षेत्रीय उप शिक्षा निदेशक,

कोशी प्रमंडल, राहरसा ।

पटना, दिनांक 30 दिसम्बर, 88

विषय:- श्री रमानन्दन यादव, श्री गजेन्द्र कुमार यादव, श्री रामेन्द्र प्र0 यादव एवं श्रीमति चन्द्रप्रभा देवी, सा0 शि0, प्राथमिक विद्यालय, महेशुआ हिन्दी (मधेपुरा पूर्व) के सेवा के अनुमोदन के संबंध में ।

महोदय,

उपर्युक्त विषयक आपके पत्रांक 494 दिनांक 24-12-88 के प्रसंग में श्री रमानन्दन यादव, श्री गजेन्द्र कुमार यादव, श्री रामेन्द्र प्र0 यादव, एवं श्रीमति चन्द्रप्रभा देवी, सा0 शि0 प्राथमिक विद्यालय, महेशुआ हिन्दी (मधेपुरा पूर्व) के सेवा का अनुमोदन मेट्रीक अप्रशिक्षित वेतनमान के न्यूनतम वेतनमान एवं अन्य अनुमान्य मत्ते के साथ पत्र निर्गत की तिथि से निम्नलिखित शर्तों के साथ किया जाता है ।

****10****

1. 1-1-71 के पूर्व ये नियुक्ति हो.
2. 1-1-71 के पूर्व की योग्यता मैट्रिक की हो.
3. प्रमाण पत्र जांचोपरान्त सही पाया जाय ।
4. नियुक्ति तिथि से अबतक लगातार कार्यरत हों ।
5. छात्र अनुपात में इनके पद की आवश्यकता हो ।

विश्वासभाजन,

ह0/-

(राम सिंगार सिंह)

निदेशक (प्रा० शि०) सह - अपर सचिव ।

ज्ञापांक :- 3329 / पटना - दिनांक 30 दिसम्बर, 88

प्रतिलिपि :- जिला शिक्षा पदाधिकारी, मधेपुरा / जिला शिक्षा अधीक्षक,

मधेपुरा को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित ।

ह0/-

(राम सिंगार सिंह)

निदेशक (प्रा० शि०) सह - अपर सचिव ।

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Annexure 2

~~एजेन्डा नंबर - 4~~

पत्रांक - 9/वि0 3 - 712/89 मा0

बिहार सरकार

मानव संसाधन विकास विभाग

प्रेषक,

श्री एन0 के0 अग्रवाल

सचिव,

मानव संसाधन विकास विभाग, बिहार ।

सेवा में,

उप विकास आयुक्त,

मधेपुरा ।

पटना, दिनांक :-

विषय:- मधेपुरा जिला के राजकीयकृत / प्राथमिक / मध्य विद्यालयों में कार्यरत कतिपय शिक्षकों के सेवा अनुमोदन के संबंध में दिनांक 13-9-89 को जिला स्थापना समिति की बैठक में लिये गये निर्णय के संबंध में ।

महाशय,

उपर्युक्त विषयक निदेशक, प्राथमिक शिक्षा - राह - संयुक्त सचिव के

पत्रांक - 89 दिनांक 20-2-90 का कृपया निदेश किया जाय, जिसके द्वारा मधेपुरा

जिला के राजकीयकृत विभिन्न प्राथमिक/मध्य विद्यालयों में दिनांक 1-1-71 के पूर्व से

कार्यरत शिक्षकों का सेवा-अनुमोदन एवं उन्हें वेतन मुगतान का मामला जांच हेतु स्थगित रखा गया था । इस संबंध में उप विकास आयुक्त मधेपुरा ने पत्रांक - 327 दिनांक 28-12-89 द्वारा 63 शिक्षकों के संबंध में प्रतिवेदन भेजा था ।

2. सरकार ने निर्णय लिया है कि वे शिक्षक जो निम्न शर्तों को पूरा करते हो,

वेतन-मुगतान, आदेश-निर्गत की तिथि से किया जाय :-

- (1) 1-1-71 के पूर्व मैट्रिक अथवा समकक्ष परीक्षा उत्तीर्ण कर लिया हो,
- (2) 1-1-71 के पूर्व न्यूनतम 18 वर्ष की आयु पूरी कर ली हो तथा नियुक्ति की तिथि से नियमित रूप से विद्यालय में कार्यरत रहे हो ।
- (3) जिस विद्यालय में कार्यरत होने का दावा करते हैं उसके अधिग्रहण से अबतक जितने शिक्षकों की सेवा का अनुमोदन हो चुका है उसे ध्यान में रखते हुए शिक्षक छात्र अनुपात (प्राथमिक तथा मध्य विद्यालयों के लिए क्रमशः 1:40 तथा 1:30 का अनुपात) में उपलब्ध रिक्त पद के विरुद्ध संबंधित व्यक्ति को सगायोजित किया जा सके ।

3. अतः अनुरोध है कि जो शिक्षक उक्त शर्तों को पूरा करते हैं । जांचोपरान्त, उन्हें पत्र निर्गत की तिथि से वेतन मुगतान का आदेश जिला शिक्षा अधीक्षक को दें तथा संगत सूचनाओं के साथ शिक्षक वार विवरणी भेजें ताकि सरकार द्वारा सगुप्ति के बतौर घटनोत्तर राज्यादेश निर्गत किया जा सके ।

4. कृपया पत्र -प्राप्ति स्वीकार करें ।

विश्वासभाजन,

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ह०/-

(एन० के० अग्रवाल)

सचिव

मानव संसाधन विकास विभाग, बिहार ।

ज्ञापक 3071 पटना, दिनांक 8 दिसम्बर, 92 ।

प्रतिलिपि जिला पदाधिकारी, मेघपुरा/क्षेत्रीय उप शिक्षा निदेशक, कोसी
प्रमंडल, सहरसा / जिला शिक्षा अधीक्षक, मेघपुरा को सूचनार्थ एवं आवश्यक कार्रवाई
हेतु प्रेषित ।

ह०/-

(एन० के० अग्रवाल)

सचिव

मानव संसाधन विकास विभाग, बिहार ।

50
Apx 121-3

22
A3
A9

|| 28 ||

एनेक्सचर - 5/4

कार्यालय जिला शिक्षा अधीक्षक, मधेपुरा ।

कार्यालय - आदेश

निदेशक (प्रा० शि०) सह अपर सचिव गानव संसाधन विकास विभाग बिहार पटना के पत्रांक 3529 दिनांक 30.12.88 के आदेश के आलोक में निम्नांकित शिक्षकों को उनके नाम के सामने अंकित तिथि से उप विकास आयुक्त मधेपुरा एवं जिला पदाधिकारी मधेपुरा के आदेशानुसार मैट्रिक अप्रशिक्षित का वेतनमान 975-1540 में दिनांक 16.7.93 से वेतन शुगतान करने की अनुमति दी जाती है ।

क्रमांक	शिक्षक का नाम	विद्यालय का नाम	अंचल
1.	श्री गजेन्द्र प्रसाद यादव सा० शि०	प्रा० वि० महेशुआ हिन्दी	मधेपुरा पूर्व
2.	श्री रामेन्द्र प्र० यादव सा० शि०		

ह०/-

जिला शिक्षा अधीक्षक,

मधेपुरा

झापांक 1 6 गो०/ मधेपुरा, दिनांक 17 जुलाई 93

प्रतिलिपि :- संबंधित शिक्षक/ प्र० अ० प्रा० वि० के महेशुआ हिन्दी /मुख्य प्र० अ० म० वि० नरसिंहबाग /प्रखंड शिक्षा पदाधिकारी, मधेपुरा (पूर्व) / जिला कोषागार पदाधिकारी, मधेपुरा को सूचनार्थ एवं आवश्यक कार्याथ समर्पित ।

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ह0/ अरपष्ट

17/7/93

जिला शिक्षा अधीक्षक,

मधेपुरा ।

53 24
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~~एनेकात्र 6~~

पत्रांक

प्रेषक,

श्री अजीत कुमार,

जिला शिक्षा अधीक्षक,

मधेपुरा ।

सेवा में,

निदेशक (प्रा० शि०)

बिहार, पटना ।

मधेपुरा, दिनांक दिसम्बर, 96

विषय :- उपविकास आयुक्त, मधेपुरा के ज्ञापांक - 49गो०/ दिनांक 26.02.90 द्वारा

शिक्षकों के अनुमोदन एवं वेतन भुगतान के लिए गये निर्णय के संबंध में ।

महाशय,

उपर्युक्त विषयक संबंध में कार्यालय में उपलब्ध संचिका के अवलोकन एवं

समीक्षोपरान्त निम्नांकित तथ्य प्रकाश में आये हैं । उप विकास आयुक्त के ज्ञापांक -

327 दिनांक 28.12.89 (अनु - 1) तथा उपविकास आयुक्त के ज्ञापांक - 49/गो०

दिनांक 26.02.90 (अनु-2) द्वारा क्रमशः 63 (तिरसाठ) एवं 35 (पैंतीस) शिक्षकों की सूची

निदेशक प्रा० शि० - सह-अपर सचिव, बिहार को भेजा गया ।

निदेशक प्राथमिक शिक्षा, बिहार के ज्ञापांक - 89 दिनांक 20.2.89 (अनु-3)

द्वारा 13.09.89 के स्थापना समिति की बैठक के आलोक में किसी भी शिक्षक की सेवा को अनुमोदित करते हुए उसे वेतन भुगतान न करने का निर्देश हुआ ।

सचिव, मानव संसाधन विकास विभाग, बिहार के पत्रांक - 3071 दिनांक 8.12.92 (अनु-4) द्वारा उपविकास आयुक्त, मधेपुरा के ज्ञापांक 327 दिनांक 28.12.89 द्वारा प्रेषित सूची में अंकित 63 शिक्षकों को जांचोपरान्त वेतन भुगतान करने का आदेश दिया गया । तदोपरान्त उपविकास आयुक्त, मधेपुरा के ज्ञापांक - 327 दिनांक 28.12.89 द्वारा अनुशंसित 63 शिक्षकों के वेतन भुगतान का आदेश उप विकास आयुक्त एवं जिला मदाधिकारी की सहमति से दिया गया है । ये वेतन भुगतान जुलाई, 93 में विभिन्न तिथियों को दिया गया ।

उपविकास आयुक्त, मधेपुरा के ज्ञापांक - 49/मो0 दिनांक 26.02.97 के द्वारा जो 35 शिक्षकों की सूची निदेशालय को प्रेषित की गई थी, इस संबंध में कार्यालय के सचिकाओं एवं इन 35 शिक्षकों के वेतन भुगतान संबंधित सचिका के छानबीन के क्रम में यह स्पष्ट हुआ कि इन शिक्षकों के वेतन भुगतान के संबंध में निदेशालय से रोक लगने के बाद कोई आदेश प्राप्त नहीं है एवं इन 35 शिक्षकों के वेतन भुगतान मेरे पूर्वाधिकारी द्वारा निदेशालय से आदेश न मिलने के उपरांत भी किया गया है, जो नियत संगत प्रतीत नहीं होता है ।

जबकि दिनांक 13.11.89 को स्थापना समिति में लिये गये निर्णय जो उपविकास आयुक्त के ज्ञापांक - 327 दिनांक 28.12.89 द्वारा निदेशालय को भेजा गया था, उस पर सचिव, मानव संसाधन विकास विभाग के पत्रांक - 3071 दिनांक - 8.12.92

द्वारा वेतन भुगतान का आदेश प्राप्त होने के उपरांत इनके वेतन भुगतान का आदेश
पूर्वाधिकारी के द्वारा दिया गया । एक ही पदाधिकारी द्वारा इस एक ही प्रकृति के
मामला के भिन्न - भिन्न ढंग से वेतन भुगतान का आदेश देना, यह दिये गये वेतन
भुगतान के आदेश में अनियमितता को पुख्ता करता है ।

उपरोक्त वर्णित परिस्थिति में संलग्न सूचि (अनु-5) में कार्यरत शिक्षकों का
वेतन भुगतान निदेशालय से दिशा निदेश की प्रत्याशा में बंद किया जा रहा है । कृपया
भवदीय से अनुरोध है कि मार्गदर्शन देना चाहेंगे कि इन शिक्षकों को उपरोक्त वर्णित
परिस्थिति में पूर्वाधिकारी द्वारा वेतन भुगतान का आदेश दिया गया आदेश नियम संगत
है या नहीं ?

विश्वामाजन,

ह0/- अस्पष्ट

अनुलग्नक :-

1. उपविकास आयुक्त का पत्रांक 327 दि0 8/12/89 जिला शिक्षा अधीक्षक,
2. उप विकास आयुक्त का पत्रांक 49 गो0 दिनांक 26/2/90 मधेपुरा ।
3. निदेशक (प्रा0 शि0) बिहार का पत्रांक 89 दि0 अस्पष्ट

ज्ञापनांक 683-2/ मधेपुरा, दिनांक 30 दिसम्बर, 96

प्रतिलिपि :- जिला पदाधिकारी, मधेपुरा को सूचनार्थ एवं आवश्यक

कार्यार्थ समर्पित ।

ह0/- अस्पष्ट

24.12.96

जिला शिक्षा अधीक्षक मधेपुरा

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ज्ञापिकांक 683-2/ मधेपुरा, दिनांक 30 दिसम्बर, 98

प्रतिलिपि :- क्षेत्रीय उप शिक्षा निदेशक, कोशी प्रमंडल, सहरसा को
सूचनार्थ एवं आवश्यक कार्यार्थ समर्पित ।

ह0/- अस्पष्ट

24.12.98

जिला शिक्षा अधीक्षक

मधेपुरा ।

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Annexure-5

~~Annex-6~~

~~एनेक्सन 15~~

कार्यालय, जिला शिक्षा अधीक्षक, मधेपुरा ।

हस कार्यालय के ज्ञापांक 375 से 403 दिनांक 8.3.99 द्वारा कुल 30 अनुमोदित शिक्षकों को स्थगित बैठक जनवरी, 99 से गुगतान की अनुमति उच्चाधिकारी के आदेश की प्रत्याशा में दिया गया था, को तात्कालिक प्रभाव से रद्द किया जाता है ।

जिला शिक्षा अधीक्षक,

मधेपुरा ।

ज्ञापांक 421-13/ मधेपुरा, दिनांक 27 मार्च, 99

प्रतिलिपि :- जिले के सभी क्षेत्र शिक्षा पदाधिकारी / प्रखंड शिक्षा प्रसार पदाधिकारी एवं कोषागार पदाधिकारी, मधेपुरा को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित ।

ह0/- अस्पष्ट

27.3.99

जिला शिक्षा अधीक्षक, .

मधेपुरा ।

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Annexure-6

कार्यालय, जिला शिक्षा अधीक्षक, मधेपुरा।

कार्यालय आदेश

गो. डब्लू. जे. सी. नं. 12874/99 निर्मल कुमार सिंह एवं अन्य बनाम राज्य सरकार एवं अन्य/सी. डब्लू. जे. सी. नं. 7343/99 मनोप कुमार मादम एवं अन्य बनाम राज्य सरकार एवं अन्य/सी. डब्लू. जे. सी. नं. 10547/99 रामरुद्र प्रसाद मंडल एवं अन्य बनाम राज्य सरकार एवं अन्य के आलोक में निम्नांकित अनुमोदित शिक्षक जिनका वेतनादि भुगतान इस कार्यालय के ज्ञापक 2617-84 दिनांक 23.12.96 द्वारा प्राप्त हुआ, 24 से स्थगित किया गया था, के लिए शिक्षकों द्वारा दायर अपरोक्त पाद के निष्पादनार्थ पत्रों में शिक्षा उप-निदेशक, कोशी प्रमंडल, सहरसा के द्वारा दिनांक 15.12.06 को की गई अनुवादों उपरान्त सही पाये गये निम्नांकित शिक्षकों का, उप-सचिव, निगरानी, बिहार विद्यालय परीक्षा समिति, पटना के पत्रांक 1251 दिनांक 23.03.07 एवं पत्रांक 3512 दिनांक 26.09.07 द्वारा शैक्षणिक प्रमाण पत्र सत्यापित किये जाने एवं वेतनीय शिक्षा उप-निदेशक, कोशी प्रमंडल, सहरसा के पत्रांक 333 नि. दिनांक 14.03.08 एवं पत्रांक 366 नि. दिनांक 25.03.07 के द्वारा दिये गये आदेश के फलस्वरूप इस कार्यालय के ज्ञापक 2617-84 दिनांक 23.12.96 को विलोपित करते हुए वित्तीय वर्ष 2007-08 अर्थात् अप्रैल, 07 से स्थगित वेतनादि भुगतान को अंतगति प्रदान की जाती है।

ज्ञापक शिक्षक का नाम एवं पदनाम विद्यालय का नाम एवं अवधि

गो. श्री रामेन्द्र प्रसाद मादम
पदाधिकारी

मध्य विद्यालय, कोशीपुरा
अधीक्षक

सम्बन्धित निकासी एवं व्ययन पदाधिकारी शिक्षकों को उपस्थिति एवं कार्यालय को जांच कर पूर्ण संतुष्ट होने के उपरान्त ही उपरोक्त शिक्षकों का वेतनादि भुगतान निगमानुसार करेगा। विभाग द्वारा प्रतिकूल आदेश प्राप्त होने पर भुगतान प्राप्त की गई राशि को वसूलो एक मुश्त कर ली जायेगी।

जिला शिक्षा अधीक्षक,
मधेपुरा।

ज्ञापक 244/170 /मधेपुरा, दिनांक 26.3.08

प्रतिनिधि :- कोषागार पदाधिकारी, मधेपुरा/संबन्धित वेतन शिक्षा पदाधिकारी/संबन्धित प्रमंडल शिक्षा प्रसार पदाधिकारी/संबन्धित निकासी एवं व्ययन पदाधिकारी/संबन्धित विद्यालय प्रधान एवं संबन्धित शिक्षक को सूचना एवं आवश्यक कार्यादि प्रेषित।

30/3/08
14/3
[Handwritten signatures and dates]

जिला शिक्षा अधीक्षक,
मधेपुरा।

प्रतिनिधि :- क्षेत्रीय शिक्षा उप-निदेशक, कोशी प्रमंडल, सहरसा की सेवा में पत्रांक 333 नि. दिनांक 14.03.08 एवं पत्रांक 366 नि. दिनांक 25.03.07 के द्वारा दिये गये आदेश के अन्वय में मादम सुध्याय एवं आचार्यक कार्यादि संपादित।

जिला शिक्षा अधीक्षक,
मधेपुरा।