

NavIn Kumar Mishra Vs. State of Bihar

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Court : Patna

Decided On : Mar-30-2005

Judge : Narayan Roy, J.

Appeal No. : C.W.J.C. No. 1829 of 2004

Appellant : NavIn Kumar Mishra

Respondent : State of Bihar

Advocate for Def. : JC to SC 10

Advocate for Pet/Ap. : Ramesh Jha, Adv.

Disposition : Application dismissed

Judgement :

Narayan Roy, J.

1. Heard counsel for the parties.

The petitioner, seeks direction upon the respondents to pay his salary for the period with effect from 13.8.2000 to 22.7.2001.

2. It is submitted by learned counsel for the petitioner that pursuant to the order, as contained in Annexure-2, the petitioner along with four others were appointed on the posts of Assistant Professor in the faculty of Electrical Engineering and

pursuant to that the petitioner reported his joining before the Additional Secretary, Science and Technology, Government of Bihar, Patna, on 12.8.2000, but for the reasons best known to the respondent authorities, his salary has not been paid from the date of his joining.

3. A counter affidavit has been filed on behalf of the respondents stating therein that on the basis of recommendation made by the Bihar Public Service Commission (hereinafter to be referred to as 'Commission'), the petitioner and others were found eligible for posting on the posts of Assistant Professor and by virtue of the order, as contained in Annexure-4 dated 19.7.2001 necessary notification was issued by the concerned Department indicating the place of posting of the petitioner at MIT, Muzaffarpur and pursuant to the same, the petitioner reported his joining on 23rd July, 2001 and accordingly, his joining has been acknowledged from that date.

4. It is submitted by learned counsel for the State that by virtue of the order, as contained in Annexure-2, the petitioner was not given the appointment, rather he was selected for the post and, therefore, his claim for payment of salary with effect from 18.8.2000 is wholly misconceived.

5. From Annexure-2, per se, it appears that the petitioner and four others were selected for appointment on the basis of recommendation made by the Commission and subsequently, vide order, as contained in Annexure-4, the petitioner and others were appointed on the respective posts of Assistant Professor.

6. In this view of the matter, it is held that the petitioner would be entitled for his salary from the date of his joining pursuant to Annexure-4 and his claim for payment of salary with effect from 13.8.2000 appears to be wholly misconceived.

For the reason aforementioned, therefore, no further indulgence is required from this end.

This application is, accordingly, dismissed.