

Alim Umar Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-11-2012

Appellant : Alim Umar

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.460 o

1. Alim Umar Son Of Late Md. Umar Resident Of Mohalla Barah Batra, P.S. Ara Town, District Bhojpur Versus 1. The State Of Bihar 2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna 3. The Director, Primary Education, Govt, Of Bihar, Patna 4. The District Education Officer, Ara, District Bhojpur 5. Nagar Ayukta, Ara Nagar Nigam, Ara, District Bhojpur, Ara 6. Block Education Extension Officer, Ara Nagar, Ara, Bhojpur

11. 01.2012 Facts as appearing from the records shows that some FIR was instituted against the petitioner on account of some transfer of public money in his account said to be in connivance with the another teacher who was authorized to prepare bills. After being caught the petitioner has transferred the amount. The criminal case is still pending against the petitioner. But from the records it does not appear that any other action has been initiated against the petitioner. In the circumstances, the respondents are not justified in withholding the salary of the petitioner from March, 2011 to November, 2011 and 2 from December, 2011

onwards for payment of which this writ application has been filed. It is clear that without any valid orders salary of a regular employee cannot be withheld. This writ application is accordingly disposed of with a direction to the District Education Officer, Ara to consider the representation of the petitioner and enquire whether any valid orders have already been issued or not in respect of withholding of salary of the petitioner. If he finds that no such order has been issued so far, he is directed to pass orders for release of due salary of the petitioner positively within one month from the date of receipt/production of a copy of this order. Arvind/ (J.N. Singh, J.)

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