

**(2021) 01 PAT CK 0243**

**Patna High Court**

**Case No:** Letters Patent Appeal No. 765 Of 2018, Civil Writ Jurisdiction Case No. 2790 Of 2008

Paras Nath Pandey

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision:** Jan. 29, 2021

**Hon'ble Judges:** Sanjay Karol, CJ; S. Kumar, J

**Bench:** Division Bench

**Advocate:** Satyabir Bharti, Ashutosh Ranjan Pandey, Shashi Shekhar Tiwari, S.S.Sundaram, Shashank Shekhar Jha, Arbind Kumar, Giridhar Gopal Tiwari Tiwari

**Final Decision:** Disposed Of

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### **Judgement**

Heard learned counsel for the parties.

The learned Single Judge by his order dated 12.04.2018 has observed that the matter in this case would boil down as to whether the State Government

is liable to pay the entire salary, right from the beginning, to any person wherein all the facts of the case are highly contested and disputed by the

parties. This view taken by the court is fortified by the enquiry report dated 25.03.2018 submitted by the Vigilance Investigation Bureau which

revealed serious irregularities. And thus, in such highly disputed factual background, only the Civil Court of competent jurisdiction is the appropriate

forum for getting such issues settled once and for all and until such time, the authorities cannot be directed to make any payment to the petitioner.

For the reasons emanating from the record and the finding returned by the learned single Judge, we find the impugned judgment to be unsustainable,

more so, for the reason that the copy of the enquiry report submitted by the Vigilance Investigation Bureau was never supplied to the parties, i.e. the

writ petitioner/private party or the State or the private respondents. As such, on this ground alone, we quash and set aside the impugned judgment

dated 12.04.2018 passed by the learned single Judge in CWJC No. 2790 of 2008.

At this stage, Shri Satyabir Bharti, learned counsel for the appellant, states that the matter can be disposed of with a direction to the authority to

consider and decide the issue of the appellant's right, including pecuniary benefits, if any, at the earliest.

State has no objection on the same.

As such, we dispose of the present appeal in the following terms:-

(a) Impugned judgment dated 12.04.2018 passed by the learned single Judge in CWJC No. 2790 of 2008 is set aside.

(b) Appellant shall appear before the respondent no. 2, namely, the Director, Secondary & Adult Education, Government of Bihar, Patna on

05.02.2021 at 10:30 AM, who shall, after affording reasonable opportunity to the parties, decide the matter afresh by passing a reasoned order as per

law.

(c) This the respondent no. 2 shall do within a period of two months from the date of appearance of the appellant along with a copy of this order and

order assigning reasons shall be supplied.

(d) Liberty reserved to the appellant to challenge the order, if so required and desired.

Interlocutory Application(s), if any, also stands disposed of.