

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6232 of 2015

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Janmejay Sharma, Son of late Balgovind Sharma, Resident of Village-
Aliganj, P.O. Malathi, P.S. Ghosi, District- Jehanabad(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Govt. of Education, Secondary, Bihar, Patna
2. The Additional Secretary, Secondary Education, Bihar, Patna
3. The District Programme Officer (Establishment) Jehanabad.
4. The District Magistrate, Jehanabad.
5. The Headmaster, Kameshwar High School, Aliganj, Jehanabad.
6. The Accountant General, (A &E) Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Rajesh Kumar, GP-19

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 06-07-2015 No appears for the petitioner. Learned counsel for the

State is present.

2. The petitioner, having retired from service on the post of a teacher of a taken over school on 31.01.2013, has already been paid all his retirement benefits on the basis of his date of entry in government service on 09.09.1981 this Court now is not inclined to allow the prayer of petitioner that his length of service should have been counted from 12.10.1978 in place of 09.09.1981.

3. In this regard, this Court would find from the representation of the petitioner and the order of the authorities that the petitioner was working in a private school and only after his school was taken over by the government his services were

recognized with effect from 09.09.1981. The taken over Act having itself provided under Sections 4(2) and (3) of the बिहार अराजकीय माध्यमिक विद्यालय (प्रबंध एवं नियंत्रण ग्रहण) अधिनियम, 1981 with regard to specific date of take over of service of such school which was taken over w.e.f. 02.10.1980, the petitioner definitely cannot claim for counting his earlier period of service. The petitioner, moreover, having accepting the order of recognition of his service with effect from 09.09.1981, cannot now after more than two years of his retirement be allowed to raise a cause of action, which had accrued to him in the year 1981. Thus the delay of 34 years by itself would be fatal.

4. This writ application is wholly belated and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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