

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7737 of 2012

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1. Vikrama Singh Son Of Late Ganesh Singh Resident Of Village-Dudhaila,
P.O.-Inayatpur, District-Chapra (Saran).

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Human Resources
Development Department, Govt. Of Bihar, Patna
2. The Director, Secondary Education, Human Resources Development
Department, Govt. Of Bihar, Budha Marg, Patna
3. The Regional Deputy Director Of Education, Chapra, Saran
4. The District Education Officer, Chapra, Saran
5. The Samvedna Project Girls High School, Daudnagar, District-Saran
Through Its Principal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan

For the Respondent/s : Mr. Jawahar Pd. Karn AAG-4

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 13-01-2015 Heard Mr. Siya Ram Shahi for the petitioner and
Counsel for the State.

The present writ petition has been filed for quashing
the order dated 03.05.2010 (Annexure-11) passed by the
respondent Director, Secondary Education, Government of Bihar
rejecting the representation filed by petitioner for his
regularization of service in Project Girls High School on the
ground that the petitioner was overage. A further prayer has been
made to command the respondents to make payment of salary
including the arrears thereof.

The issue which has been raised herein was
considered at great length by Full Bench of this Court in the case
of *Project Uchcha Vidyalaya Shikshak Sangh Vs. State of Bihar*



and Ors (F.B.) 2000(1) PLJR 287. It is the contention of the petitioner that in the light of the said order passed by the Full Bench, the three men Committee considered the case of several such employees including the petitioner and recommended for appointment as Assistant Teachers in the Project Girls Schools whereafter the petitioner also appeared before the Screening Committee. The Screening Committee found defect in regularization of his appointment on the ground that he was overage when appointed in the school. In this background, the petitioner had made the representation which was considered and rejected and impugned in the present writ application. Be it further noted that the petitioner, in the meanwhile, superannuated from the service. Mr. Shahi, learned counsel for the petitioner has relied in support of his contention on the judgment of Full Bench in **2000 (1) PLJR 287** as also the order dated 23.02.2012 passed in C.W.J.C. No. 12756 of 2011 (Hira Prasad Singh versus The State of Bihar and Ors.) enclosed as Annexure-14. From perusal of the order dated 23.02.2012, it appears that similar grievance was raised and considered by this Court in the light of order passed in the case of Smt. Daya Prasad which again was passed considering the ratio laid down in the Full Bench in the case of ***Project Uchcha Vidyalaya Shikshak Sangh (supra)*** and allowed and the respondent was directed to pass appropriate order for regularization of the service of the petitioner. However,

considering the fact that the petitioner, in the meanwhile, had already superannuated from service, this Court did not direct for reinstatement and directed to flow all the benefits in favour of the petitioner. For better appreciation, this Court would extract relevant part of the order dated 23.02.2012 passed in C.W.J.C. No. 12756 of 2011 hereinbelow:

“Learned counsel for the petitioner informs the Court that the petitioner has already superannuated. If that be so, then there cannot be a case of any reinstatement but benefits will flow in his favour. The Court expects the follow up action to be taken by the respondents within a period of three months from the date of receipt/production of a copy of this order.”

This matter was earlier considered when on the request of the Counsel for the State, the same was adjourned enabling him to go through the relevant judgment on which the petitioner relied in support of his contention, the counsel for the State, on going through the judgment which has been relied upon by the petitioner, fairly states that the case in hand is covered by the order passed by the Full Bench as well as in C.W.J.C. No. 12756 of 2011.

Accordingly, the writ application is allowed in the terms in which C.W.J.C. No. 12756 of 2011 was allowed, the relevant portion thereof is extracted hereinabove. There shall be no order as to costs.

(Kishore Kumar Mandal, J)

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