

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1003 of 1998

IN

Civil Writ Jurisdiction Case No 6678 of 97

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Dharam Nath Sharma, son of late Adalat Thakur, resident of Village – Andharwara,
PO – Bidupur (RS), District - Vaishali

.... Appellant/s

Versus

- 1 The State of Bihar
- 2 Director, Primary Education, Bihar, Patna
- 3 District Superintendent of Education, Vaishali at Hajipur
- 4 Head Master, Rajkiya Madhya Vidyalaya, Belkunda, PO – Birua Lakhansana,
PS – Mahua, District - Vaishali

.... Respondent/s

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Appearance :

For the Appellant/s : M/s S N PSingh & Surendra Pd Singh, Advocates

For the S t a t e : Mr GP 8

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 15-10-2015

Even though this application, as against respondent No 4, the Headmaster of the School in which the appellant was, at the first instance, directed to join, stood dismissed for non-compliance of peremptory order for issuance of notice to him, we have heard the learned counsel for the appellant and the State and, with consent of parties, dispose of this intra-Court appeal at this stage itself.

2 It appears in 1991, the appellant, who was the writ petitioner, was selected to the post of Assistant Teacher. He was



directed by the State to undergo training. He filed a writ petition being *CWJC No 9356 of 1991* with a prayer that as he just joined, directions may be issued to the State not to insist the petitioner to go for training and he may be permitted to continue as such, but as would be apparent from the order of this Court dated 21.04.1992, in course of argument, he changed the stand and agreed to go for training. Accordingly, this Court directed that petitioner may continue to work in the School in which he is posted and, if possible, State could adjust him for training in another session if it is possible. We do not know exactly what happened thereafter but the writ petitioner then filed another writ petition being *CWJC No 6678 of 1997* praying for direction to the respondent-State to pay the salary of the petitioner for the period 04.12.1991 to 30.05.1992, the period during which the writ petitioner having been asked to go for training but did not go for training and was not teaching. The Writ Court dismissed the writ petition by the impugned order dated 04.08.1998, hence this intra-Court appeal.

3 In our view, in view of the facts noted above, we are unable to pass any positive direction in this appeal. From the facts noted above, it is clear that the writ petitioner-appellant, on his own volition, did not go for training as was required. We do not have the facts whether he had worked or not in the said period. The first order

of the first Writ Court, as noted above, was an order directing him to go and join which predicates that till the order was passed by this Court on 21.04.1992, he had not joined.

4 In these circumstances and upon these facts, we are unable to take any different view from that of the learned Single Judge. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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