

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21132 of 2013

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1. Nagina Devi Wife Of Late Nawal Kishore Sharma Resident Of Village +
P.O. And Police Station- Konch, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education
Department, Government of Bihar, Patna
2. The Director, Secondary Education, Education Department, Bihar, Patna
3. The District Education Officer, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh

For the Respondent/s : Mr. P.N. Sahi, AAG 10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 13-01-2015 The simple question for adjudication is whether the decisions contained in Annexures 1 and 2, which are dated 7.5.2010 and 22.7.2008 are required to be quashed since the ground for rejection of regularization of the service of husband of the petitioner is said to be being overage at the time of his appointment.

Husband of the petitioner was supposedly appointed as a Peon in the Project School in question. In terms of the direction of the Hon'ble Supreme Court the three member committee went into the aspect of regularization and engagement of teachers and employees of such project schools, who recommended that since the husband of the petitioner was overage by at least three years at the time of his initial engagement, therefore, his claim of

regularization was rejected twice over. Husband of the petitioner died in the year 2013, therefore, the wife is pursuing the matter as a legal heir.

This Court is not required to go into the rigmarole of various arguments and the defence or plea taken on behalf of the State because factually there is no dispute and legally such dispute stands answered in various judgments/ orders of this Court.

Counsel for the petitioner has rightly drawn the attention of this Court to a very recent decision dated 7.4.2014, which is case of *Smt. Kiran Sinha Vs. the State of Bihar & others, reported in 2014 (4) PLJR 40*. The rational and reasoning provided by the learned Single Judge will also apply to the case of the present petitioner.

The writ application is allowed. The impugned order contained in Annexures 1 and 2 are set aside. The respondent Director must take a fresh decision regularizing the service of the husband of the petitioner late Nawal Kishore Sharma within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

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