

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.473 of 2014

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1. Sunaina Kumari D/O Sri Budhdeo Singh Resident Of Amhara, P.O. Amhara,
P.S. Bihta, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department Of Human Resource Development, Government of Bihar, Patna
2. The Director, Secondary Education, Human Resource Development Department, Government of Bihar, Patna
3. The District Education Officer, Patna
4. The Secretary of Dayanand High School, Mithapur, Patna
5. The Principal of Dayanand High School, Mithapur, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Sarvadeo Singh
Mr. Md. Helal Ahmad

For the Respondent/s : Mr. Manindra Kishore Singh, SC 6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-04-2015

An incongruous kind of situation will arise if Annexure- 1 dated 29.11.2012 passed by the Director, Secondary Education, Government of Bihar is not set aside. The incongruity would be that two persons, namely, Nagendra Singh and the present petitioner despite having been appointed in the same process of selection by the Managing Committee of the school in question, in the case of Nagendra Singh he walks away with the benefit of recognition of service and regular pay scale whereas the petitioner's claim has been rejected.

The detailed consideration had been already made in the

case of Nagendra Singh by a learned Single judge when he approached the Court with similar kind of grievance. The said order is contained in Annexure- 17 and decided on 27.4.2011.

If by the same transaction two people are selected and service of one is regularized whereas in the case of petitioner it is rejected it will be unequal relief. It is an unfair stand to take by the respondents since with identical training from the same institution Nagendra Singh has been held to be entitled to the benefit. The only difference between the case of Nagendra Singh and the present petitioner is the session in which the petitioner had appeared for the B.T. training vis-a-vis the period when Nagendra Singh had appeared. There is no other distinguishing feature.

In view of the same, Annexure- 1 is quashed. Writ application is allowed. Respondents are directed to pass a fresh order keeping in mind Annexure- 17 passed in the case of Nagendra Singh within a period of three months.

(Ajay Kumar Tripathi, J)

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