

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7285 of 2011

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Jawahar Thakur S/O Late Sheo Pujan Thakur Resident of Village & P.O.
Geedha, P.S.-Koilar, District-Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The Joint Secretary, Human Resources Development Department, Government of Bihar, Patna
4. The District Education Officer, Bhojpur, District Bhojpur
5. The District Superintendent of Education, Bhojpur, District Bhojpur
6. The Block Education Extension Officer, Koilar Block, District Bhojpur
7. The Headmaster, Girls Primary Scholl, Geedha, Koilar, District Bhojpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Respondent/s : AC to SC 30

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

11 24-02-2016 Heard Sri Bipin Bihari Singh, learned counsel for the
petitioner and learned A.C. to Standing Counsel – 30.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of an order passed by the Director, Primary Education, Human Resources Development Deptt., Govt. of Bihar, contained in Memo no. 215 dated 21-02-2011. By the said order, the Director in compliance with the order of this Court passed in C.W.J.C. No. 174 of 2008 on 25-08-2010 examined the claim of the petitioner for approval of his appointment and rejected the

same.

Learned counsel for the petitioner submits that the petitioner was initially appointed in the year 1968 in a private school, which was established by local people. Subsequently, according to learned counsel for the petitioner, the school was taken over by the government, but the service of the petitioner was never approved. The petitioner thereafter time without number raised his claim before the authority concerned and has earlier twice approached this Court by filing the writ petitions. He submits that it is a fact that school in question was taken over, but without considering the claim of the petitioner that school was taken over and petitioner was functioning in the school, his services has not been approved and claim of the petitioner has finally been rejected by the Director, vide impugned order i.e. **Annexure – 37** to the writ petition.

In this case, counter affidavit has also been filed on behalf of respondent no. 2 & 3.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. On perusal of the last order i.e. order dated 25-08-2010 passed in C.W.J.C. No. 174 of 2008, it is established that the petitioner himself had admitted that though he was functioning in the school, after 1981 he was

not allowed to make his attendance on the register exclusively made for the government teachers. Meaning thereby that it is not in dispute that petitioner's services was never approved by the government. Moreover, on going through the impugned order, it is evident that the school in question was never taken over. On the contrary, it appears that on the said place, one another school was approved.

Keeping in view the admitted fact that petitioner after 1981 itself had not put signature on the attendance register, there is no question for considering the case for approval of his appointment.

I do not find any defect in the impugned order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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