

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2655 of 2011

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Smt.Mala Kumari , wife of Shri Arjun Sharma, resident of village- Kaili,
Police Station-Dhanarua, District-Patna, at present Assistant Teacher,
Ramanand Sharma Smarak Project Girls High School, Okari Jayatipur,
Kurua, Police Station-Ghosi, District-Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director (Secondary Education), Human Resources Development Department, Government of Bihar, Patna
3. The District Education Officer, Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 02-02-2016 Heard Sri Ram Sagar Singh, learned counsel for the
petitioner and Sri Manindra Kishore Singh learned SC-6

The petitioner, who was admittedly appointed by the Private Managing Committee on 06.01.1991, has approached this Court, invoking its writ jurisdiction with a prayer to quash an order, contained in Memo No.565 'P' dated 21.07.2008 (Annexure-2 to the writ petition), whereby approval of appointment of those teachers appointed by the Private Managing Committee of Ramanand Sharma Smarak Project Kanya High School, Okari, Ghoshi was refused. So far refusal of approval in respect of petitioner is concerned, the reason was assigned that she was appointed after cut- off date i.e.



04.02.1989. The petitioner has also made a prayer for quashing of office order, contained in Memo no.297 'P' dated 31.05.2010 (Annexure-1 to the writ petition), whereby the representation of the petitioner against Annexure-2 was rejected on a ground that the appointment of the petitioner was made after cut-off date. Learned counsel for the petitioner has tried to persuade the Court that the petitioner was appointed in the year 1991 within the sanctioned post, which was sanctioned on 25th January 2000 vide Annexure-7 to the writ petition.

Sri Manindra Kishore Singh, learned Standing Counsel no.6 has firstly placed reliance on Annexure-4 to the writ petition to satisfy the Court that the State Government has taken a decision regarding approval of appointment of only those persons, who were appointed till the date of Policy decision i.e. 4th February, 1989. He submits that it is admitted case of the petitioner that she was appointed after the cut-off date. He has also placed reliance on number of orders passed by Single Bench of this Court in similar situation. He has referred to Annexures -A and B to the supplementary counter affidavit, which are order dated 23.04.2012 passed in C.W.J.C. No.20770 of 2011 and order dated 30.03.2012 passed in C.W.J.C.No.17462 of 2011 and submits that similar question

was examined by this Court and rejection of such cases was approved, in which appointment was made after cut-off date i.e. 04.02.1989. He has referred to Annexure-C to the supplementary counter affidavit, which is an order dated 04.07.2012 passed in L.P.A. No.903 of 2012, which was preferred by the petitioner of C.W.J.C.No.17462 of 2011. Learned State Counsel has argued that even the order of the Single Bench has been approved by the Division Bench and, as such, the writ petition is required to be rejected on the similar ground.

Keeping in view the fact that the petitioner was appointed by the Managing Committee after the cut-off date and similar question has been set at rest by the Division Bench of this Court, there is no reason of pass any positive order in favour of the petitioner.

The writ petition stands rejected.

(Rakesh Kumar, J)

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