

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.816 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 9094 of 2010

Shankar Giri son of Late Bal Kishun Giri @ Late Lal Babu Giri resident of village - Malpura, P.O. & P.S. Kateya, District - Gopalganj, at present residing at 5 - D/11, North Shrikrishnapuri, P.S. Shrikrishnapuri, District - Patna

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department (Formerly Known as Human Resources Development Department), Government of Bihar, Patna
3. The Director, Secondary Education (Formerly Known as Director Human Resources Development Department), Government of Bihar, Patna
4. The Regional Deputy Director of Education, Kosi Division, Saharsa
5. The District Education Officer, Araria
6. The Headmaster, Project Girls High School, Narpatganj, District - Araria

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Gyanand Roy, Advocate.
For the State : Mr. S.RAZA AHMAD, AAG-5
Mr. Vishwambhar Prasad, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-09-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 26.03.2014 whereby the claim of the appellant for seeking quashing of the office order dated 22nd July, 2008 by which claim of the appellant for absorption on the post of Peon in Project Girls' High School, Narpatganj, Araria was rejected.

It has been found that the appellant was appointed on

daily wage, at the rate of Rs. 10/- per day, without any public advertisement in the year 1991. Since the appointment of the appellant was not by norms fixed for public employment, there cannot be any direction for absorption. Such is a view taken by a Full Bench of this Court in the case of Ram Sevak Yadav vs. State of Bihar reported as 2013(1) PLJR 964.

In view of the aforesaid fact, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal and the same stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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