

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24215 of 2013

=====

1. Shashi Bhushan Singh Son Of Late Lakhan Singh Resident Of Village - Barsa, P.S. - Kasar, District - Sheikhpura

2. Sunaina Devi Widow Of Late Mahendra Prasad Singh Resident Of Village - Chaura, P.S. - Korma, District - Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar

2. The Principal Secretary, Department Of Education, Bihar, Patna

3. The Director (Administration-Cum-Additional Secretary), Department Of Education, Bihar, Patna

4. The Director, Secondary Education, Govt. Of Bihar, Patna

5. The District Magistrate, Lakhisarai

6. The District Education Officer, Lakhisarai-Cum-Principal Of Govt. Hasanpur High School, Lakhisarai, District - Lakhisarai

7. The Acting Principal, Govt. Hasanpur High School, Lakhisarai, District - Lakhisarai

8. Sri Ram Naresh Singh Son Of Late Karyanand Singh Resident Of Village - Mahisona, P.S. - Lakhisarai, District - Lakhisarai, The Then Principal Of Govt. Hasanpur High School, Lakhisarai, District - Lakhisarai

9. Sri Ajay Kumar Son Of Late Parmanand Singh Resident Of Village - Rahimpur, P.S. - Khagaria, District - Khagaria, The Then Assistant Teacher, Govt. Hasanpur High School, Lakhisarai, P.S. - Lakhisarai, District - Lakhisarai

10. Sri Kant Jha Son Of Late Kedarnath Jha Resident Of Village - Thera, P.S. - Warsaliganj, District - Nawada, The Then Assistant Teacher Of Govt. Hasanpur High School, Lakhisarai, P.S. - Lakhisarai, District - Lakhisarai

11. Sri Bhaskar Singh Son Of Not Known Resident Of Village - Piparia, P.S. - Piparia, District - Lakhisarai, The Then Assistant Teacher Of Govt. Hasanpur High School, Lakhisarai, P.S - Lakhisarai, District - Lakhisarai

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate.
Mr. Indu Bhushan,
Mr. Sunil Kumar.

For the Respondent/s : Mr. Anjani Kumar, AAG-4
Mr. Sanjay Kumar, AC to AAG-4

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 03-10-2016

Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners have claimed that instead of giving
recognition of their services with effect from 1.1.1991 they

should be given benefit from the date of employment in the Private Management School in the year 1977.

Earlier the services of the petitioners were not recognized and were not treated to be Government employees, petitioner no.1 approached this Court vide C.W.J.C. No. 17828 of 2010 and this Court has disposed of the matter with a direction to consider the case of petitioner considering the fact that her husband was there on the date of taking over the School. At the same time petitioner no.2 moved this Court vide C.W.J.C. No. 12575 of 2001 which was also disposed of, directed for consideration of the case with regard to regularisation

In pursuance thereof the Principal Secretary, Education Department vide order dated 9.12.2011 considered the cases of both persons and recognized their services with effect from 1.1.1991. Claim has been made that they were appointed by the Private Management as petitioner no.1 was appointed on 15.1.1977 and petitioner no.2 was appointed on 2.1.1970 and that period should be taken into consideration for the purposes of granting ACP.

Learned counsel for the State submits that unless order dated 9.12.2011 is challenged no relief can be granted to the petitioners as their services have been recognized from 1.1.1991 and in the present proceeding the relief sought for cannot be looked into as the question is for shifting of date.

However, petitioners have already filed representation claiming that other similarly situated teachers have been given benefit as in their cases, before taking over the school they were also appointed their services have been recognized from 1991 but for the purposes of ACP the past period has also been taken into consideration.

For convenience, petitioners are directed to file detailed representation before the Principal Secretary, Education Department, Government of Bihar, Patna along with the documents which the petitioners placed reliance. If such a representation is filed the Principal Secretary, Education Department, Government of Bihar, Patna will examine the case of the petitioners and will pass a reasoned order after due notice to the petitioners within a period of three months from the date of filing of the representation. However, it is made clear that this Court is not giving any opinion on the merit of the case.

With the aforesaid observation this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.10.2016
Transmission Date	NA