

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6904 of 2014

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1. Saraswati Devi Wife of Late Chandrashekhar Thakur Resident of Lohargama,
P.S. Sakra, District Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department Of Human
Resources Development, (Now Education), Government of Bihar, Patna
2. Director, Secondary Education, Department Of Human Resources Development,
(Now Education), Government of Bihar, Patna
3. Deputy Director of Secondary Education, Budha Marg, Patna
4. District Education Officer, Vaishali, Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar Thakur
Mr. Dudh Nath Singh

For the Respondent/s : Mr. Nirbhay Kumar Singh, GP 26

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-03-2016

Petitioner is the wife of Late Chandrashekhar Thakur.

She has filed the writ application for regularization and recognition
thereof as an Assistant Teacher of a Project School located at Goraul.
Regularization is sought for the period 7.7.1984 till 7.7.2003, the date
of death.

There is a long history behind the litigation relating to
Project Schools meant for girls in the State of Bihar. Prolonged
litigation travelled first to a Full Bench and thereafter to the Hon'ble
Supreme Court before the matter got crystallized and deliberation and
exercise was done by the State in terms of the direction issued by the
Hon'ble Supreme Court in the case of State of Bihar & others versus

Project Uchcha Vidya, Shikshak Sangh & others, which was decided on 3rd of January, 2006.

The Hon'ble Supreme Court specifically laid down the parameters and the exercise which was required to be taken for regularization or recognition to service of the Teachers working in such Project Schools.

The death of the husband of the petitioner happened much prior to the decision. The deliberations, which were required to be done and had been done, was done after 2008. Annexure- 5 is the outcome of the exercise so done by the three member committee and the recommendation made thereafter by them, which culminated into the notification issued at the level of the Director, Secondary Education, Government of Bihar. Since name of husband of the petitioner does not figure in the said notification, petitioner also wants either inclusion or quashing of Annexure-5.

No relief can be granted to the petitioner. The husband of the petitioner was nowhere in the picture when the decision of the Hon'ble Supreme Court was rendered on 3.1.2006. When the exercise and deliberations were done in furtherance to the Hon'ble Supreme Court direction, the petitioner's husband was not there before the committee which could consider his case for regularization or recommendation. There is no deliberation in any of the decision

much less the Hon'ble Supreme Court with regard to non-existent people and the people, who were already dead. In fact, such teachers or employees, appointed by private managing committee, by not even following proper procedure, would not have derived any benefit or claim upon the State but for the decision rendered by the Hon'ble Apex Court.

The Court is not willing to decide rights of dead people only for the benefit of extending the privilege of pension to the widow by directing the respondents to regularize the service of the husband of the petitioner. All these things have taken place much prior to decision or deliberation. In addition, there is also controversy whether the husband of the petitioner was appointed on sanctioned post at all.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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