

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8203 of 2011

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Bhagawan Das Ojha S/O Late Ram Janam Ojha R/O Vill. Karja, P.O. Umaoganj, P.S.Bihiya, Distt-Bhojpur At Ara

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner-Cum-Secretary (Primary, Secondary and Adult Education) Government of Bihar, Patna
3. The Special Director , Secondary Education Government of Bihar, New Secretariat, Patna
4. The Secretary, Bihar Sanskrit Shiksha Board Patna
5. The Headmaster, Shri Chandrika Das Sanskrit High School Dhauri P.O.-Bara Kharauni, P.S. Bihiya, Distt-Bhojpur at Ara

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh

For the Respondent/s : AC to SC – 27

Smt. Kumari Sujata Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 29-02-2016 Heard Sri Ramchandra Singh, learned counsel for the petitioner, learned A.C. to Standing Counsel – 27 as well as Smt. Kumari Sujata Sinha, learned counsel for the respondent no. 4/Bihar Sanskrit Shiksha Board.

The petitioner has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to direct the respondent to sanction the post of Science Teacher in Shri Chandrika Das Sanskrit High School, Dhauri under the district of Bhojpur.

On perusal of the pleading, it is evident that the

petitioner had earlier also approached this Court by filing a writ petition, vide C.W.J.C. No. 2955 of 1989, which was dismissed on 23-10-1989 with certain observations. In the said writ petition also, almost similar claim had been made, however; since the request of the concerned school regarding the sanction of post was already pending before the government, this Court did not pass any positive direction, but dismissed the writ petition with observation, as follows:-

“It shall be open to the petitioner to move this Court in case there is any inordinate delay in disposal of the matter by the State Government or the order of the State Government goes against him.”

The petitioner in paragraph – 17 of the writ petition has asserted that Bihar Sanskrit Shiksha Board was informed by the H.R.D. Department, Government of Bihar regarding non-sanctioning of the post of Science Teacher for the time being, which was issued in the year 1991. Meaning thereby that claim of the petitioner, even after the order of the writ court, was turned down in the year 1991 itself, whereas, the present writ petition was filed by the petitioner in the month of May, 2011.

Learned counsel appearing on behalf of Bihar Sanskrit Shiksha Board, by way of referring to statement made in paragraph – 9 of the counter affidavit of respondent no. 4, submits

that the petitioner was appointed as Teacher by the School Managing Committee without any sanction post of Science Teacher.

In view of the facts and circumstances, particularly; the fact that claim of the petitioner was already rejected long back in the year 1991 itself, thereafter, the writ petition, after such a delay may not be entertained, particularly, in view of facts disclosed by the respondent/Sanskrit Shiksha Board that the petitioner was appointed against non-sanctioned post.

I do not find any ground to pass any positive order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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