

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6242 of 2013

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Naresh Prasad Son Of Late Kali Saw Resident Of Mohalla - Sonarpatti
In the Town Of Nawada, P.O. And P.S. - Nawada, District - Nawada
..... Petitioner/s

Versus

1. The State Of Bihar Through Its Principal Secretary, Department Of Education, Government Of Bihar New Secretariat, Vikas Bhawan, Patna
2. The Principal Secretary, Department Of Education, Government Of Bihar New Secretariat, Vikas Bhawan, Patna
3. The Director (Secondary Education), Department Of Education, Bihar Secondary Education Officer, Budh Marg, Patna
4. The Deputy Director (Secondary Education), Department Of Education, Bihar Secondary Education Office, Budh Marg, Patna
5. The Regional Deputy Director Of Education, Magadh Division, Gaya
6. The District Magistrate, Nawada
7. The District Education Officer, Nawada
8. The Principal Girls Inter School, Govindpur, Nawada

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indra Deo Prasad, Adv.
For the Respondent/s : Mr. Kinkar Kumar, SC-27
Mr. Mahboob Ashraf, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 22-01-2016 Heard learned counsel for the petitioner and counsel for the State.

In the present case, the petitioner is seeking a relief that he has been wrongly deprived to be appointed as a teacher of project school. In pursuance of a direction of the Hon'ble Apex Court, a Three Men Committee was constituted to examine the status of the school whereupon the Three Men Committee visited the project school including the school of the petitioner and after scrutiny of the record, the Committee did not find the petitioner to be working teacher as the name of the petitioner was not included therein

whereas the learned counsel for the petitioner submits that the Principal has wrongly not recorded the name of the petitioner in the attendance register with a wrong motive and, thereby, he has been deprived of absorption in the service of the Government of Bihar.

Learned counsel for the State has submitted that the Committee was constituted on the direction of the Hon'ble Apex Court and they were authorized to make inspection of each and every project school and submit a report. The Three Men Committee has also visited the school of the petitioner and did not find that the petitioner was also working there at the time of inspection. There is no allegation against the Three Men Committee rather the pleadings of the petitioners show that the records are manipulated and the Principal has wrongly not recorded the name of the petitioner in the attendance register. At the time of inspection, the petitioner could have raised the objection of his non-inclusion of his name, but subsequently, allegation has been made against the Headmaster of the school to have manipulated. The petitioner should have raised the issue at first opportunity and, in failure, subsequent objection does not cut much ice.

In such view of the matter, this Court does not find any substance in the present case.

Accordingly, this application is dismissed.

The petitioner, if so advised, may seek remedy before

the properly constituted civil court.

(Shivaji Pandey, J)

