

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17516 of 2011

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1. Nawal Kishore Sharma Son Of Late Raghunath Singh R/O Village-Po-Barkagaon,Ps-Pakaridayal,Distt-East Champaran,Motihari.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna.
3. The Director, Secondary Education, Government Of Bihar, Patna.
4. The District Education Officer, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Respondent/s : Mr. Ashok Kumar Keshri, AAG-11

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

9 08-11-2016

The present writ application has been

filed to count and confirm the services of the petitioner from 01.01.1982 as has been done in case of other assistant teachers of Project Schools. The further prayer has been made for payment of arrears of salary and other consequential benefits computing the petitioner's services from 01.01.1982 in stead of 01.04.1986.

It is submitted by the learned counsel for the petitioner that with regard to calculation and confirmation of services of the teachers of Project School of first phase of 1981-82, the issue has been concluded up to the Apex Court and consequently, the claims of similarly situated persons were allowed by a Co-ordinate Bench of this Court vide C.W.J.C. No. 13310 of 2008 and other analogous cases which

further got confirmed by the orders of the Director, Primary Education issued vide memo No. 257 dated 07.07.1995 as well as memo no. 478 dated 02.11.1986.

Though, counter affidavit has been filed on behalf of the respondent State to the effect that as per the provisions of the Government orders no. 705 dated 12.10.1982 it was decided that the trained teachers appointed by the School Managing Committee shall be interviewed by a Committee constituted under the president-ship of the Regional Deputy Director of Education and thereafter they shall be deemed appointed on ad-hoc basis from the date of their respective appointment or 01.01.1982 whichever is earlier. But the petitioner was not interviewed and due to this reason his services were terminated which was challenged in the writ application. However, in compliance of the order passed in the writ application, the petitioner was reinstated i.e. 01.04.986 by the District Education Officer, East Champaran. In this regard, it is also submitted that the teacher of the school in question including the petitioner have been allowed the payment of salary by the District Education Officer, East Champaran w.e.f. 01.04.1986.

In view of the fact that the issue with regard to first phase of Project School teachers their services have been counted from 01.01.1982 and the issue concluded up to the Apex Court, learned counsel for the petitioner seeks

permission to withdraw the application to file representation before respondent no.3, the Director, Secondary Education, Government of Bihar, Patna for redressal of his grievance.

The petitioner is permitted to submit representation within a period of four weeks.

It is expected from the respondent no. 3 to dispose of the representation of the petitioner in view of the Judgment passed in C.W.J.C. No. 13310 of 2008 and the order of Director Primary Education within three months of submitting of representation of the petitioner.

Accordingly, the writ application is permitted to be withdrawn with liberty above mentioned.

(Dinesh Kumar Singh, J)

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