

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12425 of 2013

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Kumari Sandhya wife of Shri Shreesh Chandra Shrivastava, resident of village and PO-Mahuari, District-Kaimur at present Lecturer, Primary Shikshak Siksha Parsikshan Mahavidyalaya, Shahpur Aurangabad at and PO-Shahpur, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner to Government Department of Human Resources and Development, Bihar, Patna.
2. The Director, Madhyamic Shiksha Vibhag, Bihar, Patna
3. The Principal, Primary Shikshak Siksha Parsikshan Mahavidyalaya, Shahpur Aurangabad at and PO-Shahpur, District-Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

Mr. Akhilesh Kumar Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-09-2016

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

In this case, the petitioner has challenged the order of Director, Secondary Education, Bihar, Patna dated 01.04.2013, thereby the petitioner has been deprived of salary for the period from 02.03.2006 to 24.10.2007.

The petitioner was working as a Lecturer in Primary Teachers Training College, Sahpur, Aurangabad and after the bifurcation of the State of Bihar, her service was allocated in the State of Jharkhand, but there was a mistake in her name as well as in her

designation.

As has been submitted by the counsel for the petitioner, the allocation list mentioned the name of the petitioner as Sandhya in place of Kumari Sandhya and her designation was shown as Assistant Teacher whereas she was holding the post of Lecturer.

In pursuance thereof, she had gone to the State of Jharkhand, but the State of Jharkhand refused to receive her service on the ground of difference in her name as well as in her designation, but in the meantime, she approached this Court in C.W.J.C. No. 12123 of 2006 (Annexure-10 to the supplementary affidavit) taking a plea that her husband was in Bihar Government service so it will not be convenient to her to be allocated her service in the State of Jharkhand.

Looking to the difficulty of the petitioner, this Court directed the petitioner to file a representation before the State Advisory Committee within three weeks from the date of passing of the order and the Advisory Committee will look into the matter and dispose of the same.

In pursuance thereof, the petitioner filed a representation before the State Advisory Committee and the Advisory Committee agreed with the grievance of the petitioner and vide order dated 3.8.2007 (Annexure-13/A), allocated her service in the State of Bihar from the State of Jharkhand and finally, the petitioner was posted at

Aurangabad, vide letter dated 16.10.2007.

The counsel for the petitioner submits that as the mistake was committed by the authority concerned in changing her name as well as her designation, in such circumstances, her service was not accepted by the State of Jharkhand. She has raised the grievance about her changed name and her designation, so much so that she has approached this Court and after disposal, the Advisory Committee has rectified her allocation and just after few days, she joined new place of posting.

The Director, while passing the order, has not considered aforesaid aspect of the matter, has gone on his own way, when her service was not accepted, she did not make complaint about non-acceptance of her joining. He has also not considered the aspect of fact that her name and her designation were also changed and so much so that she approached this Court for change of allocation of her service, accordingly, on the intervention of the Court her allocation was changed.

In such view of the matter, the order dated 01.04.2003 (Annexure-1) is set aside and the matter is remanded back to the Director, Secondary Education, Bihar, Patna to pass a fresh order in accordance with law within a period of three months from the date of receipt or production of a copy of this order.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.09.2016
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