

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23389 of 2012

Nivedita Patra, daughter of Late Kanai Lal Patra, resident of Village + P.O. Bari
Khanjarpur, P.S. Barai, District - Bhagalpur

.... Petitioner

Versus

- 1. The State of Bihar
- 2. The Principal Secretary, Department of Education, Government of Bihar,
Vikash Bhawan, Patna.
- 3. The Director, Secondary Education, Education Department, Bihar
(Secondary Education Directorate), Vikash Bhawan, Patna.
- 4. The Joint Director, Secondary Education, Education Department, Bihar,
Vikash Bhawan, Patna
- 5. The District Education Officer, Bhagalpur
- 6. The Managing Committee of Durga Charan High School, Bhagalpur through
its Secretary
- 7. The Secretary, Durga Charan High School, Bhagalpur

.... Respondents

Appearance:

For the Petitioner : Mr. Bishnukant Dubey
Mr. Panchu Ram
Mr. Ranjit Kumar, Advocates.
For the State : Mr. Kinkar Kumar, SC- 9
Mr. Zaiki Haidar, AC to SC- 9

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 21-12-2016

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

2. The present writ petition has been filed for quashing the
order contained in Memo No. 1271 dated 17.10.2012 passed by the
Director, Secondary Education whereby the proposal for approval of
the appointment of the petitioner has been rejected; and for
commanding the respondents to grant approval of the appointment of



the petitioner as Assistant Teacher of the subject Economics in Durga Charan High School, Bhagalpur.

3. Learned counsel for the petitioner submits that rejection of the proposal for approval of the petitioner's appointment on the ground that the petitioner did not have the requisite training, is not in accordance with law. He submits that the issue stands squarely covered by a Division Bench judgment of this Court in LPA No. 136 of 2015 [Mr. Subhash Kumar vs. The State of Bihar through the Principal Secretary, Human Resources Development Department & Ors., reported in 2016 (4) PLJR 608], wherein it has been observed as follows:-

"10. The appointment of the appellant by the Managing Committee, after following the due procedure, and him having been issued appointment letter dated 14.11.2003 was, thus, in accordance with law and cannot be said to be irregular, muchless illegal. Thus, the limited power of the State in the management of private minority institutions in the matter of appointment of teachers being to the extent of ensuring the minimum eligibility criteria of the person appointed, and in the present case, this Court coming to the conclusion that such appointment was in accordance with the prescribed Rules, the recognition of his service by the competent authority, i.e., the Director, Secondary Education, w.e.f. 18.11.2003, could not have been refused.

11. For the reasons aforesaid, the order of the learned Single Judge dated 30.07.2013 cannot be sustained and is, accordingly, set aside and C.W.J.C. No. 14248 of 2013 stands



allowed. The appellant is held entitled for approval of his services with effect from the date on which he joined the school pursuant to his appointment by the Managing Committee of the School under letter dated 14.11.2003. He is also held entitled to all consequential benefits."

4. Learned counsel for the State fairly accepts that the issue stands covered by the aforesaid judgment of the Division Bench.

5. None is present on behalf of the respondent nos. 6 and 7 despite repeated calls.

6. Having regard to the stand of the parties, the present writ petition stands disposed of on the same line and in the same terms as LPA No. 136 of 2015.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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