

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1146 of 2014
IN
Civil Writ Jurisdiction Case No. 4846 of 2011**

- =====
1. The State of Bihar.
 2. The Director (Secondary Education), Government of Bihar, Patna.
 3. The Deputy Director (Secondary Education), Government of Bihar, Patna.

.... Appellant/s

Versus

1. Gopal Mehtar Son of Late Baldeo Mehtar resident of village Vijay Nagar, P.S. Banka, District Banka.
2. The Head Master, R.M.K. High School, Banka.

.... Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Sinha, GA-1 Ms. Aditi Hansaria, AC to GA-1
For the Respondent/s	:	Mr. Pradeep Kumar, Advocate Mr. Rajib Ranjan Jha, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 11-04-2017

Heard counsel for the State and counsel for the private-respondent.

The fact being what it is, the manner and the period when the appointment of private-respondent was made in a project school is not a subject matter of dispute as such. It is too late in the day to test such appointment on the touchstone of Article 14 and 16 of the Constitution of India, which is urged on behalf of the counsel for the State to interfere with the order of the Learned Single Judge.

The Learned Single Judge has taken note of the fact



that a vacancy created on the death of a permanent employee was filled up by the appointment of the private-respondent way back in the year 1990 and, therefore, the decision of the Director, Secondary Education, Government of Bihar, which was under challenge in the writ application, i.e., Annexure-11, has been rightly set aside and order of reinstatement and payment of salary for the period of work, was correctly ordered.

No interference is warranted with the impugned order, dated 20.06.2013.

The appeal has no merit. It is dismissed, especially when the Learned Single Judge has also considered various facets of law and relied upon the judgment rendered by a Division Bench in the similar kind of dispute raised in a batch of cases, starting with L. P. A. No. 1492 of 2009, decided on 06.04.2010.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	12.04.2017
Transmission Date	

