

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9780 of 2016

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Ramesh Sharma S/o Late Janardan Sharma resident of Village- Murasa, P.O. Velawar, P.S. Kako Distt.- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Jehanabad
3. The District Programme Officer, Jehanabad.
4. The District Education officer, Jehanabad
5. The Head Master, primary School, Murara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mushtaque Alam, Advocate
Mr. Ajay Kumar, Advocate
For the State : Mr. Kinkar Kumar, SC-9
Mr. Zaki Haider, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-05-2017

Heard learned counsel for the parties.

2. The petitioner had moved the Court for the following

reliefs:

“I) For issuance of a writ of or in the nature of writ of mandamus directing the Respondents concerned to accept the joining of the petitioner on the post of Asstt. Teacher, Murasa (Kako), Jehanabad in light of the appellate court’s order passed by the learned Regional Dy. Director, education Magadh Division, Gaya on direction of the order passed in C.W.J.C. No. 23073 of 2012, dated 01/04/2014 passed by Hon’ble Justice S. Pandey.

II) For issuance of a writ of or in the nature of writ of mandamus directing the D.M. Jehanabad to take immediate steps in respect to joining of the



petitioner on the post of Asstt. Teacher at Primary School, Murasa in light of the order of the Appellate Court, who has passed order after hearing both the parties in length on 26/09/2014, on the order of the Hon'ble High court.

III) For issuance of a writ of or in the nature of writ of mandamus directing the District Education Officer, Jehanabad to comply the order dated 26/09/2014 passed by the learned Appellate Court and accept the joining of the petitioner in his prior post and also directing him to expedite his claim of his due salary which is pending long i.e. from the date of his suspension till up till now.

IV) For any other appropriate writ /writs, order/ orders, command/commands direction/directions, which your Lordships may deem fit and proper on the facts and circumstances of the case.”

3. However, during the pendency of the writ petition the District Programme Officer (Establishment), Jehanabad has come out with order contained in Memo No. 914 dated 03.05.2017, copy of which has been brought on record by way of Annexure-10 to the supplementary affidavit filed on behalf of the petitioner.

4. Learned counsel for the petitioner submitted that the said order be directed to be complied with.

5. At the very outset, learned counsel for the State submitted that once there is an order, it is required to be complied with.

6. In view thereof, the writ petition stands disposed off with a direction to the respondents no. 3, 4 and 5 to ensure that the



order dated 03.05.2017 is complied with within one week from the date of production of a copy of this order before them. Further, if any payment is required to be made, the same shall be made within the next two months.

7. However, this will not preclude the authorities with regard to any verification of the qualification/certificates of the petitioner. If the petitioner does not cooperate with the authorities in producing the certificate(s) for verification, the authorities are free to take appropriate action, in accordance with law.

(Ahsanuddin Amanullah, J)

P. Kumar

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