

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22215 of 2014

=====

Krishnadeo Mishra son of Umakant Mishra resident of village - Dewapur,
P.S. Barauli, P.O. Dewapur, District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. The Director Secondary Education Board, Government of Bihar, New Secretariat, Patna
3. The Deputy Director Secondary Education Board, Government of Bihar, New Secretariat, Patna
4. The Secretary Education Department, Government of Bihar, New Secretariat, Patna
5. The Principal Secretary Education Department, New Secretariat, Patna
6. The District Programme Officer Establishment, Gopalganj
7. The District Superintendent of Education, Gopalganj
8. The District Magistrate, Gopalganj
9. The District Education Officer, Gopalganj
10. The Headmaster High School Barauli, District - Gopalganj

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Respondent/s : Mr. Gp4- Uma Shankar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-11-2017 The petitioner, in the present writ application has sought for direction upon the respondent authorities for consideration and regularization of the petitioner's service against the respective post of clerk in the High School Barauli, District- Gopalganj, taking into consideration the long continuation of the service of the petitioner and decision of the State Government as communicated under State Resolution being Memo No.489 dated 10.05.2005 as well as the other consequential benefit.

The petitioner, on the earlier occasion had also



approached this court for regularization of his service, on the post of Clerk. The said writ application bearing C.W.J.C. No. 11893 of 2009 vide order dated 15.11.2010 (Annexure-8) was come to be disposed of with direction to the District Education Officer, Gopalganj as to take a final decision, on the representation of the petitioner, in accordance with law. In pursuance of the order passed by this court, the petitioner filed a representation before the District Education Officer, Gopalganj. Considering the merit and submissions made on behalf of the petitioner, the District Education Officer, Gopalganj rejected the claim of the petitioner vide Memo No. 330 dated 16th March, 2011, on one of the grounds that the initial adhoc appointment of the petitioner, was not made by the competent authority. The competent authority under the service condition Rule 1983 is committee headed by the District Magistrate of the respective district. As far as the petitioner is concerned, he has been appointed as a daily wage employee by Deputy Director, Secondary Education Board, Government of Bihar, Patna, who was not the competent authority to make such appointment. The order passed by the District Education Officer dated 16.03.2011 has not been challenged in the present writ application.

Considering the reasoning assigned by the District



Education Officer, Gopalganj, while rejecting the claim of the petitioner, I find no illegality in the order of the District Education Officer, Gopalganj, hence no interference is required.

Accordingly, the present writ application stands rejected.

(Sudhir Singh, J)

Amit/-

U			
---	--	--	--

