

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25610 of 2013

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Shiv Dayal Ray S/O Sri Manbodh Ray Resident Of Village- Karmaini Gazi, P.S-
Kuchaikote, District- Gopalganj.

.... Petitioner

Versus

1. The State Of Bihar Through The Secretary- Cum- Commissioner, Department Of Education, Government Of Bihar, Patna.
2. The Director Secondary Education, Government Of Bihar, Patna.
3. The Deputy Director, Secondary Education, Government Of Bihar, Patna.
4. The District Education Officer, Gopalganj.
5. The Head Master, Manan Nagina Rai, Project Girls High School, Kuchaikote, Gopalganj.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Advocate
	:	Ms. Rajnigandha, Advocate
For the Respondent/s	:	Mr. N.P. Yadav, S.C.-23
	:	Mr. Sudhir Kumar Singh, A.C. to S.C. 23

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

Date: 23-06-2017

The petitioner in the present writ application has sought for quashing of the Memo No. 545 (P) dated 21.07.2008 (Annexure-1) whereby his claim for regularization of his services on the post of Peon has been rejected. The Project School namely, Manan Nagina Rai Project Girls School, Kuchaikote, Gopalganj was taken over by the government along with teaching and non-teaching staffs of the school in question against the sanctioned post made available by the State Government. Petitioner was also working as a Peon, at the time of take over. Hence, he claims his right for regularization of his



services by the State Government.

2. The take over of the school was made under the scheme 1984-85. The matter related to the absorption of services of such teaching and non-teaching employees was considered by the full Bench of this Court and thereafter the matter traveled to the Hon'ble Supreme Court and on the direction of the Hon'ble Supreme Court, three men committee was constituted to look into the individual claims of the teaching and non-teaching employees of such Project School. The claim of the petitioner was rejected by three men committee, on the ground that there was only two sanctioned post of peon and the persons senior to the petitioner have already been engaged and the services of the petitioner could not be considered due to lack of sanctioned post. The claim of the petitioner was rejected on 18.07.2008, thereafter he made a representation on 25.08.2008 before the Director, Secondary Education, Government of Bihar, Patna vide Annexure-2 to the present application for the redressal of his grievance. Vide Annexure- A to the counter affidavit, the director rejected the claim of the petitioner on 30.04.2010 on the ground that there was no sanction post against which, the services of the petitioner could be absorbed by the State. Petitioner cannot claim to be absorbed in absence of sanctioned post, thus no substantive relief can be granted to the petitioner.



3. Considering the aforesaid facts and circumstances, I find no merit in the present application. Accordingly, the same is hereby dismissed.

(Sudhir Singh, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2017
Transmission Date	NA

