

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1599 of 2013

In

Civil Writ Jurisdiction Case No.7435 of 2011

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1. The State of Bihar
 2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
 3. The Director, Secondary Education, Human Resources Development Department, Govt. of Bihar, Patna
 4. The Deputy Director, Secondary Education, Human Resources Development Department, Govt. of Bihar, Patna
 5. The Regional Deputy Director of Education, Munger Division, Munger
 6. The District Education Officer, Begusarai

... .. Appellant/s

Versus

Sarita Kumari, aged about 43 years, W/o Sri Ramesh Kumar Singh, Assistant Teacher, Project R.N.S. Girls High School, Gadhpura, P.S. R. Block Gadhpura, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate
		Mr. Rajeev Kumar Singh, Advocate
		Mr. Sita Ram Prasad, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-11-2017

This is State's appeal challenging an order passed by the learned Writ Court on 06.08.2013 in C.W.J.C. No. 7435 of 2011.

The Director, Secondary Education, Bihar, Patna passed an order on 10th of February, 2011 refusing to recognize the service of the respondent before joining the Project School primarily on the ground that before joining the Project School



she has resigned from the service as a Block Teacher of the Middle School.

The learned Writ Court found that the findings recorded by the Director is contrary to the material available on record particularly the report and letter dated 3rd of November, 2009 (Annexure-A series) where the District Education Officer, Begusarai in his letter has clearly indicated that the respondent was on leave up to 3rd of September, 2008. She joined duties in the Middle School and thereafter joined the Project School on 4th of September, 2008 and finding her to be on leave while working as a Block Teacher it is held that there is no resignation and the order passed by the Director has been quashed by the learned Writ Court.

In doing so, the learned Writ Court has placed heavy reliance on the findings recorded by the District Education Officer in his communication (Annexure-A series) dated 3rd of November, 2009 and we see no reason to take a different view as the findings recorded by the learned Writ Court to say that between the period 9th of January, 2007 to 3rd of September, 2008 respondent was on leave is a finding of fact based on due appreciation of the documentary evidence available on record which cannot be termed as erroneous or



perverse to such an extent that interference is called for.

The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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