

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11941 of 2010

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Rajendra Tiwari, S/O Late Nageshwar Tiwary, R/O Purani Sahar, Munshi Moh, P. S. Daudnagar, Distt-Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources and Development, Government of Bihar, Patna.
2. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
3. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
4. The District Education Officer, Distt-Aurangabad.
5. The Secretary of the Managing Committee, Sanskrit High School Daudnagar, Aurangabad.
6. The Headmaster, Sanskrit High School, Daudnagar, Distt-Aurangabad.
7. Sri Laliteshwar Sharma, S/O Upendra Kumar Sharma, Assistant Teacher, Sanskrit High School, Daudnagar, Distt-Aurangabad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar Dubey, Advocate.

For the Respondents : Mr. (Sc22)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 03-11-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The following reliefs have been sought for by the petitioner in the present writ application.

“1 (I) A writ in the nature of certiorari for setting aside the office order vide Memo No. 401 dated 11.02.2010 as contained in Annexure-8 issued under the signature of the Secretary, Bihar Sanskrit Shiksha Board, Patna, (hereinafter referred as Board) whereby and whereunder ignoring the valid claim of the petitioner for



approval of his ad-hoc appointment for the post of Assistant Teacher which was already made in year 1988 and tentative appointment was also given to him vide Memo No. 5110 dated 10.04.1989 issued by the Secretary of the Board, the Respondent Board illegally on extraneous consideration has approved subsequent ad-hoc appointment of Private Respondent which is illegal in the eye of law.

(II) A writ in the nature of mandamus commanding and directing the Respondents to grant final approval of the post of Assistant Teacher in Sanskrit High School, Daudnagar, in favour of the petitioner against which the petitioner is working since back long and pay the due salary of the petitioner since the date of his tentative appointment i.e., 10.04.1989 or alternatively since the date of initial appointment i.e., 21.10.88 by the Managing Committee of the concerned school.”

Considering the reliefs sought for by the petitioner in the present writ application, the petitioner is directed to file a representation before the Secretary, Department of Education, Govt. of Bihar, Patna, who shall take necessary decision in respect to redressal of the grievance of the petitioner within a period of three months from the date of filing of such representation, in accordance with law.



With the aforesaid observations and directions, the
present writ application stands disposed of.

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(Sudhir Singh, J)

