

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.219 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 6871 of 2011

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1. Bashisth Narayan @ Bashishtha Narayan, Son of Deo Narayan Rai, resident of Village-B. Satai, P.O. Peuli, Police Station-Barkagaon, District-Gopalganj, at present posted and working as Assistant Teacher in Project Kanya High School, Hathua, Anchal Hathua, District-Gopalganj.
 2. Sanjay Kumar, Son of Shri Ram Nagina Pandey, resident of Village & P.O. Hathua Police Station-Hathua, District-Gopalganj, at present and working as Assistant in Project Kanya High School, Hathua, Anchal-Hathua, District-Gopalganj.
 3. Baldeo Prasad, Son of Late Shivnath Prasad, resident of Village- Hathua Dakshin Muhalla, P.O. & Police Station-Hathua, District-Gopalganj, at present posted and working as Assistant Teacher in Project Kanya High School, Hathua, Anchal-Hathua, District-Gopalganj.
 4. Surendra Prasad Yadav, Son of Shankar Prasad Yadav, resident of village- Chhota Kolrauli, P.O. and Police Station-Hathua, District-Gopalganj, at present posted and working as Assistant Teacher in Project Kanya High School, Hathua, Anchal-Hathua, District-Gopalganj.

.... Appellants

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division at Chapra.
5. The District Education Officer, Gopalganj.
6. The District Mass Education Officer, Gopalganj.
7. The Headmaster, Project High School, Hathua, Anchal Hathua, District-Gopalganj.

.... Respondents

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Appearance :

For the Appellants : Mr. Tej Bahadur Singh, Sr. Advocate and
Mr. Umesh Kumar Mishra, Advocate.
For the Respondents : Mr. Kameshwar Prasad Gupta, G.P. 10.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 20-01-2017

The present appeal is on behalf of the writ applicant
Nos.1 and 2, who preferred C.W.J.C. No.6871 of 2011 claiming



approval of their services on the ground that they were appointed as teachers in Project Kanya High School, Hathua, District Gopalganj.

2. The challenge in the writ application was to an order dated 3rd September, 2010 whereby, the claim of approval of their services in teachers in Project Kanya High School was rejected.

3. Learned Single Bench relied upon an order passed in C.W.J.C. No.15184 of 2011 (Umesh Pathak v. The State of Bihar), decided on 25.8.2014, wherein it was held that the teachers appointed in Project High School after the cut-off date i.e. on 4.8.1989 could not be considered for approval of service in a Project Girls' High School. The relevant extract of the judgment of the learned Single Judge reads as under :

“26. From the averments made in the writ application, on their own showing, the petitioners are said to have been appointed in the year 1996 much after the cut off date, i.e., 04.02.1989, and that must have been the reason why their names not there in the project reports. This Court in its decision dated 25.08.2014 passed in C.W.J.C. No. 15184 of 2011 (Umesh Pathak Vs. The State of Bihar) has held that a teacher appointed in a Project School after the cut off date, i.e., 04.02.1989, could not be considered for approval/recognition of his service in a Project Girls' High School. They having been appointed much after the cut off date, their names were rightly not entertained and were rejected. This being an undisputed fact that the petitioner no. 3 did not hold the qualification of teacher training for the post of Assistant Teacher,



the decision of the respondents, as impugned in the present writ application does not need any interference.”

4. Learned counsel for the appellants could not dispute the fact that the appellants were appointed in the year 1996 i.e. after cut-off date i.e. on 04.02.1989. Therefore, in terms of the judgment in Umesh Pathak’s case (supra), the case of the appellants could not be approved and, thus, the order dated 3rd September, 2010 has been rightly passed.

5. In view thereof, we do not find any error in the order passed by the learned Single Judge. Consequently, the Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

U.K./-Narendra.

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	25.01.2017.
Transmission Date	

