

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3512 of 2017

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Ram Shankar Sharma, son of late Trilok Prasad Jha, resident of village - Gorhari,
Police Station - Bela, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division at Muzaffarpur.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate

For the Respondent/s : Mr. Arvind Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 05-12-2017

Heard learned counsel for the petitioner and the State.

2. Counsel for the petitioner submits that the case of the petitioner is covered by the decision of this Court in C.W.J.C. No. 10872 of 2010 and C.W.J.C. No. 21970 of 2012, decided on 22.05.2015, whereby the issue of entitlement of regularization was decided by this Court. Referring to Annexure-8, the petitioner submits that in C.W.J.C. No. 7060 of 2011, this Court relying upon those judgments passed in C.W.J.C. No. 10872 of 2010 and C.W.J.C. No. 21970 dated 22.05.2015, disposed of the writ application and directed the respondents to grant benefit of recognition and regularization of the service of the petitioner as Assistant Teacher in the Manan Nagina Rai Project Girls High School, Kuchaikote and to work out the



payment of outstanding dues between 01.01.1989 to 24.01.2000. He further submits that the case of the petitioner is also similar to the case of the writ petitioner of C.W.J.C. No. 7060 of 2011.

3. Counsel for the State submits that it has to be examined by the respondents whether the case of the petitioner is identical to the case of petitioner of C.W.J.C. No. 7060 of 2011 or not and in case the case of the petitioner is similar to the case of the petitioner of C.W.J.C. No. 7060 of 2011 (Smt. Daya Prasad @ Daya Srivastava Vs. The State of Bihar & Others), then the respondents have no difficulty in extending the same benefit.

4. Considering the aforesaid fact, the writ application is disposed of with a direction to respondent no.2 to look into the grievance of the petitioner and if it is found that the case of the petitioner is similar to the of petitioner of C.W.J.C. No. 7060 of 2011, the respondent is required to extend the same benefit and grant recognition and regularization of service of the petitioner and make payment of outstanding dues. Such decision must be taken by respondent no.2 within a maximum period of three months from the date of receipt/production of a copy of this order considering the fact that the petitioner has already superannuated.

5. During the aforesaid period, the respondents will also consider the other claim of the petitioner with regard to non-



payment of salary and other benefits and pass a reasoned and speaking order.

6. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2017
Transmission Date	NA

