

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3386 of 2017

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Ganesh Prasad Sah, Son of Shri Ram Das Sah, Resident of Village-Harla,
P.S.-Lakshmipur, District-Jamui.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department, of Education, Government of Bihar, Patna.
2. The District Education, Officer, Jamui
3. The District Programme Officer, (Establishment), Jamui.
4. The Block Education Officer, Lakshmipur, District-Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Jha

For the Respondent/s : Mr. A.R. Pandey- Aag15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 05-12-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Learned counsel appearing on behalf of the petitioner submits that the issue involved in the writ application is no more res integra. This issue was adjudicated in C.W.J.C. No. 915 of 2017 vide order dated 14.2.2017. The relevant part of the order reads as follows:-

“This issue is no longer res integra as the same was decided by this court in Rehana Khatoon Vs. the State of Bihar & Ors. (2013) (2) PLJR 469] holding that if a person has cleared the intermediate examination prior to coming of the notification concerned of the State Government then that notification cannot be applied retrospectively against



such person.

In the facts and circumstances of the case, it is held that, since the petitioner has already cleared his intermediate examination before coming of the concerned notification, the same would not be applicable in his case.

That apart, this step was not taken immediately rather the petitioner was allowed to be absorbed as Panchayat Teacher under the aforesaid Rules and after about 10 years, this issue has been raised by the respondent authority.

In my view, such action is not at all sustainable in law. Accordingly, Annexure-3 is quashed and set aside. The authorities are directed to pay the current salary immediately and arrears of salary of the petitioner expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order”.

Considering the fact that the same impugned order dated 24.4.2016 was quashed by this court in the aforesaid C.W.J.C. No. 915 of 2017 dated 14.2.2017 relying upon the judgment reported in 2013 (2) PLJR 469, this court has no reason to make departure and as such the writ petition is disposed of in identical term of C.W.J.C. No. 915 of 2017 dated 14.2.2017.

(Anil Kumar Upadhyay, J)

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