

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15602 of 2010

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Poonam Jaiswal, wife of Late Raj Kishor Choudhary R/O Moh -
Pipra Bazar, P.S.Pipra, Distt-Supaul.

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development
Department Govt. Of Bihar
3. The Director, Bihar Secondary Education Buddh Marg ,
Patna, Bihar
4. The Deputy Director, Secondary Education Bihar, Patna
5. The Regional Deputy Director, Education Koshi Division,
Saharsa
6. The District Education Officer Supaul
7. The Head Master, Project Birla High School Pipra Bazar,
P.S.Pipra, Distt-Supaul

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rashmi Kinjalk, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3
For the State : Mr. Bipin Kumar, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 30-03-2017

The original petitioner Raj Kishore Choudhary died during the pendency of this application and in his place his widow wife Smt. Poonam Jaiswal has been substituted for the purpose of pursuing this case. After death of the petitioner, in my view, the cause of action doesn't survive.

Office order no. 646(P) Patna dated 22.07.2008 passed by Director, Secondary Education, Bihar, whereby he has refused to approve the original



petitioner's appointment on the post of Assistant Teacher in Project Girls High School, Pipra Bazar, on the ground that he did not have requisite qualification of teacher training, is under challenge.

The original petitioner claimed that he had *Shiksha Visharad* Degree of teacher's training and accordingly he possesses the requisite teachers training qualification.

Learned counsel appearing for the petitioner submitted that petitioner was a founder teacher of the said school and was appointed by the Managing Committee in the year 1984. She has submitted that the respondents ought to have taken into account these aspects of the matter while passing the order on the question of approval of petitioner's service as an Assistant Teacher in the concerned project school. She has submitted that, one Hari Narain Mandal, who was also an Assistant Teacher and did not have the teachers training qualification, but his services has been approved.

Learned counsel for the substituted petitioner submitted that her husband was not paid the salary which he was entitled to receive for the period during which he had worked as Assistant Teacher in the said school. This aspect can be looked into by the



respondents, if a representation to this effect is made to the Director, Secondary Education, Government of Bihar, Patna.

This application is, accordingly, disposed of with an observation that if the widow of the original petitioner files an application for payment of legal entitlements of the original petitioner, who died during pendency of this application, the Director, Secondary Education, Government of Bihar, Patna shall look into it and ensure that if any amount had remained unpaid, the same is paid to the substituted petitioner, for the work admittedly done by her husband in the said school.

(Chakradhari Sharan Singh, J.)

Rajeev/-

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