

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21164 of 2011

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Bhupendra Narayan Mishra Son Of Suresh Mishra Resident Of Village-Hakimpur,
P.O.-Sukarwalia, P.S.-Itarhi, District-Buxar.

.... Petitioner

Versus

1. The State Of Bihar Through Principal Secretary Of Human Resources Development Department, Patna.
2. The Director, Secondary Education.
3. The District Education Officer, Buxar.
4. Principal, Sri Niwas Radhika Project Gorls High School, Itarhi, District-Buxar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. ASHOK KUMAR CHOUDHARY, Adv.
Mr. Anil Kumar Tiwary, Adv.
Mr. Akshansh Ankit, Adv.

For the Respondent/s : Mr. RAJIV ROY GP-5
Mr. Suresh Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

Date: 22-06-2017

The present Writ application has been preferred seeking quashing of Memo No.567 (P) order dated 21.07.2008 to the Writ petition and Memo No. 204(P) order dated 05.05.2010, by which the petitioner claims for absorption/regularization against the post of Peon has been rejected.

Petitioner was appointed vide Annexure-1 to the present application on 13.02.1983 by the Private Managing Committee. Subsequently, this school in question namely Sri Niwas Radhika Project Girls High School, Itarhi, Buxar was taken over as a Project School in the year 1984-85 phase.



The liability and Assets of the school including the services of the teaching and non-teaching staffs was also taken over by the Government. As per the post sanctioned by the State Government, there were only two sanctioned post for the post of Peon and as per seniority, the petitioner was at serial no. 3, hence his services could not be absorbed by the State Government as held by three men committed constituted on the direction of the Hon'ble Supreme Court. The decision of the said three men committee was subsequently affirmed by the respondent no.2, the Director, Secondary Education, Bihar, Patna.

Taking into the account the fact that there was no sanctioned post existing, the question of absorption of the petitioner does not arise.

Considering the aforesaid facts and circumstances, I find no merit in the present Writ application. The same is accordingly, dismissed.

(Sudhir Singh, J)

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