

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1867 of 2010

IN

Civil Writ Jurisdiction Case No. 10894 of 1997

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Smt. Lalita Kumari W/O Shri Satyendra Kumar, Assistant Teacher, Shymta Devi
Project Kanya Uchcha Vidyalaya, Dhanarua Police Station, Dhanarua, Distt.- Patna

.... Appellant/s

Versus

1. The State Of Bihar
2. The Secretary (Primary, Secondary And Mass Education) Now The Principal
Secretary, Human Resources Development Department, Government Of Bihar,
Patna
3. The Director (Secondary Education), Government Of Bihar, Amrapali Bhawan,
Bailey Road, Now Budh Marg, Patna
4. The District Education Officer, Patna

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mrs. N Mishra, GP 9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-09-2017

Seeking exception to an order dated 30th September, 2010
passed by the learned Writ Court in CWJC No. 10894 of 1997 this
appeal has been filed under Clause 10 of the Letters Patent.

Petitioner filed the writ petition seeking reinstatement in a
school which she claims was a Project School. After evaluating the
matter in detail, the learned Writ Court found that the petitioner was
dismissed from service in the year 1987 and when the petitioner was
dismissed from service, the school was a private institution. It became



a Project School much after dismissal of the petitioner. It is found by the learned Writ Court based on an order passed by a Division Bench earlier that the school was a non-government unrecognized institution and the petitioner was an employee in the private school and, therefore, no benefit can be granted to her. Finding recorded is that if the school was not taken over in the year 1990, then the Managing Committee of the school was very much competent to dismiss the petitioner and therefore such dismissal by the private Managing Committee cannot be looked into in a writ petition.

That apart, the learned Writ Court has found that a Three Member Committee has found the aforesaid fact to be correct. Taking note of all the facts the learned Writ Court dismissed the writ petition.

We see no error in the same warranting reconsideration. The appeal is also accordingly dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

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