

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1532 of 2015

IN

Civil Writ Jurisdiction Case No. 10443 of 2010

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1. Aalok Kumar S/o Late Jugeshwar Prasad Singh Resident of Village Pipar Dahan,
P.O. Sarsi, P.S. Paliganj, Patna, District Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Human Resources and Development Department,
Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Headmaster, Project Girls High School, Paliganj, Patna.
5. The Secretary, Project Girls High School, Paliganj, Patna (Respondent in
connected writ).

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Choudhary, Advocate
Mr. Anil Kumar Tiwary, Advocate
Mr. A. Ankit, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-01-2017

The delay of 42 days is condoned.

I. A. No. 6876 of 2015 is allowed.

Matter thereafter has been taken up on merits. The writ application was filed by the appellant, who happened to the petitioner before the Learned Single Judge for quashing of an order dated 21.07.2008, by virtue of which the State of Bihar refused to recognize the service of the petitioner as a Clerk in the Projects Girls High School, Paliganj at Patna. The reason for such rejection was



that the managing committee had appointed him on the post after cut-off date, i.e., 04.02.1989.

The date of appointment as per the appointment letter is 15.03.1989.

Since all cobwebs on various aspects of submissions, raised first before the Full Bench and then before the Hon'ble Supreme Court, has been cleared in the reported decision in the case of State of Bihar & Ors. Vs. Projects Uchcha Vidyalaya Shikshak Sangh and Ors., reported in 2006 (2) SCC 545, the Learned Single Judge had committed no wrong by rejecting the claim for recognition of service of the petitioner by refusing to interfere with the order, since there cannot be any recognition to any service after the cut-off date.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	13.01.2017
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