

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4822 of 2017

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Kalawati Devi, W/o Late Ramdhari Prasad Yadav, R/o village -
Khajuri, P.S. Bhargama, District - Araria, presently Secretary of
Bhika Middle School, Khajuri, Block - Bhargama, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary-Cum-Commissioner, Human Resource Department, New Secretariat, Patna.
3. The Director of Primary Education, Human Resources Department, New Secretariat, Patna.
4. The Deputy Director, Primary Education, Human Resources Department, New Secretariat, Patna.
5. The District Magistrate, Araria.
6. The Deputy Development Commissioner, Araria.
7. The District Education Officer, Araria.
8. The Block Education officer, Narpatganj, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Respondent/s : Mrs. Binita Singh, SC-28

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 17-01-2018

From the pleadings in the writ application, the



relief, which has been sought, cannot be granted, since the petitioner has not been able to refer to the specific scheme of the State Government under which the State Government is bound to take a decision to takeover the institutions.

2. In the counter affidavit, filed on behalf of the Block Education Officer, Bhargama, Araria, the claim of the petitioner has been completely denied.

3. In the present facts and circumstances of the case, I dispose of the writ application with an observation that the petitioner shall be at liberty to bring to the notice of the competent authority, under the Education Department, Govt. of Bihar, the relevant schemes and provisions, which the respondents are required to takeover the school in question and the claim of the individual teachers, under the said scheme. The Court expects such decision must be taken within three months from the date of filing of a representation by the petitioner along with the present order, if such representation is filed within fortnight from today.

4. The authorities concerned will also consider an order passed by this Court in case of ***Yoga Nand Jha & Ors. Vs. The State of Bihar & Ors.***, passed in ***C.W.J.C. No. 8245 of 2013***, on the question of living allowance etc. and a Division Bench decision of this Court, in case of ***Ravi Shankar & Ors. Vs. The State of Bihar & Ors.***, reported in ***2007***



(Supp.) PLJR 337, if the said decision is found to be applicable in the petitioner’s case.

5. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.01.2018
Transmission Date	N/A

