

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2916 of 2017

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Archna Pallavi, Daughter of Bhumendra Kumar Singh, resident of village + P.S.
Mahadeva, P.O. Mission House, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan
3. The Block Development officer, Hussainganj, District - Siwan
4. The Block Education Officer, Hussainganj, District - Siwan
5. The Head Master, Up - Graded Middle School, Kutub Chapra, Hussainganj,
District - Siwan
6. Director, Primary Education, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarvadeo Singh, Advocate
Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Bijay Bhushan Prasad, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 21-03-2018

Learned counsel for the petitioner is permitted to implead
Director, Primary Education, Government of Bihar as respondent no.6
during course of the day.

2. Heard learned counsel for the petitioner and State.

3. The only issue involved in the present writ application
is whether the petitioner on account of Medical Leave was entitled to
join the school in question or not.

4. There is no dispute as the validity of the appointment
of the petitioner. There is also no dispute as to ailment of the
petitioner, which prevented the petitioner from regularly working in



the school. The petitioner has proceeded on leave in view of ailment and on recovery, she submitted her joining before the Block Education Officer and the Block Education Officer has indicated that he has not competent to grant leave beyond 30 days and as such not permitted the petitioner to join the duty.

5. In the counter affidavit, referring to the notification dated 03.04.2012 submissions have been made that the petitioner is not entitled for grant of medical leave beyond 20 days.

6. There is no dispute of the ailment of the petitioner, therefore, there is only dispute whether the joining of the petitioner can be accepted after 89 days or not?

7. Considering the totality of the facts situation, this Court directs the petitioner to file representation along with a copy of this order before respondent no.6, who shall consider the hardship of the petitioner, as she was unable to join the school within 30 days on account of ailment. The Director, Primary Education is required to consider the case of the petitioner sympathetically and on humanitarian consideration within a period of thirty days from the date of receipt of representation along with a copy of this order. Ordinarily extent of Medical leave is prescribed in notification dated 03.04.2012, but special case of serious ailment require special



indulgence on humanitarian consideration, as exceptional case. The Director, Primary Education in exceptional circumstance may exercise his discretion and pass appropriate order on the representation of the petitioner.

8.With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2018
Transmission Date	

