

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14830 of 2014

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Sheodani Singh son of Late Jai Gobind Singh resident of village - Siswapatna,
P.S. Kesaria, District - East Champaran, retired peon of Phulan Jyoti Kuer
Girija Kuer Project Girl High School, Siswapatna, East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Human Resources Development, Bihar, Patna
2. The Principal Secretary, Department of Human Resources Development, Bihar, Patna
3. The Director (Secondary Education), Bihar, Patna
4. The Deputy Director (Secondary Education), Bihar Secondary Education Officer, Budhmarg, Patna
5. The Secretary of Phulan Jyoti Kuer Girja Kuer Project Girl High School, Siswapatna, P.S. Kesharia, District - East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Dwivedi
For the Respondent/s : Mr. Sanghamitra Ghosh, AC to GP-15.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date : 24-09-2018

Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

2. This writ petition was filed with two advance
copies to the office of Advocate General on 21.8.2014 but
unfortunately, even after expiry of four years no counter
affidavit has been filed.

3. Petitioner has filed the present writ application
challenging the order contained in Annexure-6 whereby the
service of the petitioner was not approved on the ground that the
petitioner was over age on the date of appointment in the project



school.

4. In Annexure-5 there is reference that petitioner's date of birth is 18.1.43 whereas the other document indicates that petitioner's date of birth is 1.11.1951. The claim of the petitioner is based on horoscope whereas Annexure-5 refers to the certificate of the Bihar School Examination Board.

5. Since the respondents have not filed any counter affidavit in the instant case, the Court is not in a position to conclusively decide the issue what was the basis of determination of the age of the petitioner on the date of appointment and how the petitioner was declared over age?

6. Learned counsel appearing on behalf of the petitioner submits that petitioner has not passed matriculation and as such reference of the certificate of the Bihar School Examination Board is patently wrong.

7. Considering the aforesaid, the writ petition is disposed of with direction to respondent Director, Secondary Education to examine afresh the claim of the petitioner in the light of judgment of full bench reported in **2000 (1) PLJR 287** wherein the full bench has considered the issue of over age in the project school. In addition thereto, the respondents have to verify whether there is any certificate issued by the Bihar



School Examination Board with regard to age of the petitioner and pass appropriate order in accordance with the decision of the full bench referred hereinabove within a period of four months from the date of receipt/production of a copy of this order.

8. In the event, the claim of the petitioner is found on verification afresh fit for approval, necessary consequential relief must be granted to the petitioner in accordance with their own policy decision within the time frame as indicated above.

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

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2018
Transmission Date	

