

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20873 of 2014

Mustafa Raza Kamal Son of Hasmat Ali resident of village- Mahismara, P.S.
Pothia District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Patna
3. The Director, Secondary Education, Govt. of Bihar, Patna
4. The Deputy Director, Secondary Education, Govt. of Bihar, Patna
5. The Regional Deputy Director of Education, Purnea District Purnea
6. The District Education Officer Kishanganj, District Kishanganj
7. The Head Master, Project Girl's High School Pothia, P.S. Pothia, District Kishanganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam, Advocate
For the Respondent/s : Mr. Harish Singh Goldie, AC to G.P.-6

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-10-2018 1. Heard learned counsel for the petitioner and
counsel appearing on behalf of the State.

2. Learned counsel for the petitioner with reference to Annexure-13 submits that the order dated 11.5.2010 was with regard to four Assistant teachers whose names were rejected. Referring to Annexure-15 learned counsel for the petitioner submits that Md. Sadik Ali whose claim was also rejected by the same order dated 11.5.2010 filed CJWC No. 1001 of 2013 the said writ petition was allowed on 17.6.2014 and the order dated contained in memo No.248 dated 11.5.2010 which is Annexure-13 in the writ application was quashed and the matter was



remitted back to the Director to consider the case of the petitioner in accordance with law. After order dated 17.6.2014 the respondents have issued order whereby similarly circumstanced teachers whose names figures in Annexure-13 has been allowed by the respondent Director Secondary Education.

3. Considering the fact that order dated 11.5.2010 was quashed by this Court in CWJC No 1001 of 2013 vide order dated 17.6.2014 and similarly circumstanced teachers like Sadik Ali and others whose services have been recognized by the respondent Director Secondary Education, the present writ petition is disposed of with the direction to the Director Secondary Education to consider the case of the petition on the line of the case of Sadik Ali and others and pass appropriate order. In the event it is found that the case of the petitioner is similar to that of Sadik Ali, similar benefit should be extended to this petitioner also, in the event the case of petitioner is distinguished on facts and law, the Director Secondary Education is required to provide opportunity of hearing and after hearing the petitioner, the Director shall pass appropriate order in accordance with law within a maximum period of four months from the date of receipt/ production of copy of this



order.

4. In view of the above Annexure-13 is hereby quashed. Respondents have to take afresh decision as indicated hereinabove. It goes without saying that in the event the respondents admits the case of the petitioner similar to that of Sadik Ali, consequential benefits must also be made available to the petitioner like Md. Sadik Ali has been granted within a period of four months indicated above.

5. With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

U			
---	--	--	--

