

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1756 of 2016

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Laljee Prasad Singh son of Late Ramayan Singh Resident of Village- Balia,
Police Station- Maharajganj, District- Siwan Presently posted as Acting
(Founder) Head Master of Sital Prasad High School, Bhimpur, Police Station-
Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Secondary Education, New Secretariat, Patna.
2. The Director Department of Secondary Education, New Secretariat, Patna.
3. The Regional Deputy Director, Education, Saran, Chapra.
4. The District Education Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Singh
For the Respondent/s	:	Mr. Rishi Raj Singh, SC-19
		Mr. Birendra Pd.Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 20-03-2018 Heard leaned counsel for the petitioner and the
counsel appearing on behalf of the State.

From perusal of Annexure-11,it appears that the respondents have committed mistake in sending the case of the petitioner for consideration before the Bihar Public Service Commission and the Bihar Public Service Commission returned the proposal as the Commission has no such jurisdiction to approve.

The petitioner has superannuated in 2005. However, this court in C.W.J.C. No. 2249 of 2005 granted liberty to the petitioner to consider the case of the petitioner. The respondents have admitted their own lapse in sending the case for approval



of the BPSC. There is no dispute that three men Committee on examination of the record found the case of the petitioner fit for grant of such promotion. In fact, from perusal of the order impugned in the present writ application, the court is of the considered view that the case of the petitioner was not properly considered by the respondents authority and as such he has been deprived from the benefit of status as founder Headmaster. The order dated 7.7.2011 was passed by the respondents Director, there appears to be some delay in filing of the present writ application.

Under the aforesaid circumstances the petitioner has approached the writ court belatedly; therefore, he is not entitled to any relief.

Learned counsel for the petitioner submits that the petitioner is not interested in monetary benefit out of such consideration but he is entitled to status of founder Headmaster as the three men committee has found the petitioner eligible for consideration and grant of status as founder Headmaster.

In view of the admission of the respondents that three men committee has admitted the claim of the petitioner and recommended for grant of approval as founder Headmaster but recommendation was sent to Bihar Public Service Commission



that mistake was committed by the respondents themselves, the court is of the view that entitlement of the petitioner for consideration of grant of status as founder Headmaster notionally is required to be considered in view of the fact that the three men committee has recommended the case of the petitioner but it could not be culminated in the approval for the reason that recommendation was sent to wrong forum namely Bihar Public Service Commission having no such jurisdiction.

Under the aforesaid circumstances, the order contained in Annexure-11 is hereby quashed. The respondents are directed to consider the case of the petitioner in the light of recommendation of the three men committee within a period of three months after receipt of a copy of this order for grant of approval to the petitioner notionally on the post of founder Headmaster in the light of recommendation of the three men committee and consider the case for revision of pension as Founder Headmaster but not entitled to arrears of salary.

With the aforesaid, the writ petition stands disposed of.

Ravi/-

(Anil Kumar Upadhyay, J)

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