

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22645 of 2012

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Gauri Shankar Prasad Son Of Late Rameshwar Modi Resident Of Village-
Bhachhiyar, P.O. + P.S. + Distt.- Jamui

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Director, Secondary Education Bihar, Patna
3. The Chairman Vidyalaya Seva Board-Cum-Bihar Karmchari Chayan Now Bihar Staff Service Commission, Bihar, Patna
4. The Secretary, Vidyalaya Seva Board-Cum-Bihar Karmchari Chayan Ayod Now Bihar Staff Service Commission Bihar, Patna
5. The Secretary, Bihar Secondary Education Board, Bihar, Patna
6. The Deputy Director Of Education, Bhagalpur Division, Bhagalpur
7. The Regional Deputy Director Of Education, Null Bhagalpur Division, Bhagalpur
8. The District Education Officer, Munger
9. The Sub-Divisional Education Officer, Jamui
10. The Head Master, High School, Bhobghat, P.O. + P.S.- Khaira, District- Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PRAKASH MAHTO
For the Respondent/s : Mr. RAJESH KUMAR, GP-8.
Mr. Mritunjay Kumar, Adv.
For the Commission : Mr. S. S. Sundaram, Adv

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 14-09-2018

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

2. Earlier the petitioner has approach this Court in C.W.J.C. No.8251 of 2003. The writ petition was disposed of vide order dated 14.01.2005. The petitioner thereafter filed LPA No. 29 of 2005, the LPA Court disposed of the appeal holding that the matter is pending



before the Board and the Board is directed to recommend the case and after recommendation decision may be taken by the respondent-authorities. Thereafter, review petition was filed by the Respondent No.6 being Civil Review No. 212 of 2005. The said review petition was dismissed.

3. The petitioner filed MJC No. 2262 of 2006 for non-compliance of the direction issued by this Court in the meanwhile Bihar Staff Selection Commission has issued order dated 14.09.2010.

4. Considering the aforesaid, the writ Court dropped the contempt proceeding and granted liberty to the petitioner to pursue his remedy through appropriate proceedings in accordance with law.

5. After the aforesaid liberty, the petitioner has filed representation addressed to the Secretary, Bihar Staff Selection Commission. The representation of the petitioner is self-explanatory. The petitioner admitted that his retirement on 31.01.2003 and we are in 2018 and the present writ petition was filed on 07.12.2012, it was listed for the first time only after six years.

6. Learned counsel appearing on behalf of the petitioner has referred to the communication from the office of Accountant General and submitted that petitioner retired as Assistant Teacher but he will granted pensionary benefit as a Clerk. The aforesaid communication



in no way confer right to the petitioner for grant of status as Teacher and for grant of consequential benefits. Under the Rule, there is no provision for appointment by way of promotion from Clerk to Assistant Teacher.

7. In the aforesaid background of the fact, the claim of the petitioner for service as Assistant Teacher since 27.04.1980 cannot be entertain as this stage.

8. The Court does not find any reason to interfere into the impugned order in the present writ application. As such, this writ application is dismissed.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18./09/2018
Transmission Date	NA

