

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15918 of 2014

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Tej Narayan Mishra son of Late Ramnandan Mishra, assistant teacher, Sri Raghunandan Project Girls High School, Kanta, P.S. and Block - Gayghat, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Education Department, New Secretariat, Vikas Bhawan, Patna
2. The Director (Secondary Education), Education Department, Bihar Secondary Education office, Budh Marg, Patna
3. The Deputy Director (Secondary Education) In Charge Project Schools, Human Resources Development Department, Bihar, Secondary Education office, Budh Marg, Patna
4. Shree Bhrigunath Upadhyay son of name not Known, Ex - Director (Secondary Education), Human Resources Development Department, Bihar Secondary Education Office, Budh Marg, Patna at present Posted as Member District Consumer Forum, Buxar, Police Station and District Buxar
5. Shree Arun Kumar Sharma son of not Known, the then Deputy Director of Education (Secondary Education) Human Resources Development Department Bihar Secondary Education Office, Budh Marg, Patna at Present Posted as the District Education officer, Muzaffarpur
6. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
7. The District Education officer, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Raisul Haque SC-10
		Md. Obaidullah, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 06-08-2018

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

2. The grievance of the petitioner in the present writ petition is for recognition of his services as Assistant Teacher in the Project School and for payment of salary.

3. Learned counsel for the petitioner submits that after the judgment of the Full Bench, the matter was examined at



different levels by the respondents and thereafter in the case of similarly circumstanced Maheshwar Prasad Singh in CWJC No. 13159 of 2013, a Co-ordinate Bench of this Court has passed order on 22.05.2015 directing the Director, Secondary Education to examine the matter, who had rejected the claim of said Maheshwar Prasad Singh. The matter was considered by the Contempt Court and thereafter the Director preferred Letters Patent Appeal which was dismissed by this Court and final order was issued in favour of Shri Maheshwar Prasad Singh. Counsel submits that the case of the petitioner is identical to the case of said Maheshwar Prasad Singh.

4. This writ petition was filed on 11.09.2014, after service of two advance copies to the office of the Advocate General but even after expiry of four years no counter affidavit has been filed on behalf of the State.

5. Under the compelling circumstances, the writ petition is disposed of with a direction to the Director, Secondary Education to examine the claim of the petitioner in the light of the order passed on 22.05.2015 in CWJC No. 13159/2015 and if it is found that the case of the petitioner is similar to said Maheshwar Prasad Singh, similar benefits should be extended to the petitioner. Final decision in this regard must be taken by the respondent-



Director, Secondary Education within a period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the instant writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2018
Transmission Date	

