

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14430 of 2008

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Ganaur Pandit, son of Sri Baidyanath Pandit, Resident of Village- Gazipur,
Block- Desari, P.S. Desari, District- Vaishali at Hajipur Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner cum Secretary, Human Resources Development
Department, Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Vaishali
5. The Deputy Development Commissioner, Vaishali
6. The District Superintendent of Education, Vaishali
7. The Block Development Officer, Desari, Vaishali
8. The Mukhiya, Gram Panchayat Upharoll, Desari, Dist. Vaishali
9. The Secretary, Gram Panchayat Upharoll, Desri, Vaishali
10. Umesh Sahani, son of Late Pasan Sahani, resident of Gazipur Block,
P.S. Desari, District- Vaishali Respondent/s

with

Civil Writ Jurisdiction Case No. 8572 of 2008

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Umesh Sahani, son of Late Pasan Sahani, resident of Gazipur Block, P.S.
Desari, District- Vaishali Petitioner/s

Versus

1. The State Of Bihar through the Secretary cum Commissioner,
Human Resources Development Department, Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Vaishali at Hajipur
4. The Deputy Development Commissioner, Vaishali at Hajipur
5. The District Superintendent of Education, Vaishali
6. The Block Development Officer, Desari, Vaishali
7. The Mukhiya, Gram Panchayat Upharaul, Desari, Dist. Vaishali
8. The Secretary, Gram Panchayat Upharaul, Desri, Vaishali
9. Ganaur Pandit, son of Sri Baidyanath Pandit, Resident of Village-
Gazipur, P.S. Desari, District- Vaishali Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 14430 of 2008)

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Mukesh Kumar Singh, Advocate

For the State : Mr. Gyan Shankar, AC to GP-2

For Respondent No.10 : Mr. Manoj Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 8572 of 2008)

For the Petitioner/s : Mr. Manoj Kumar Singh, Singh, Advocate

For the State : Mr. Gyan Shankar, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 27-08-2018

Heard learned counsel for the parties.

2. Considering the fact that the order contained in

Annexure-1 to CWJC No. 14430 of 2008 was made effective from



retrospective date, the Court does not approve the order terminating the services with retrospective date. Accordingly the order contained in Annexure-1 is quashed. The matter is remanded back for decision afresh in accordance with law.

3. In view of the above, no further order need be passed in CWJC No. 8572 of 2008. However, liberty shall be available to the petitioner to appear and assist the forum in taking decision afresh on remand in CWJC No. 14430 of 2008.

4. On remand the authorities are required to hear the petitioners, Ganaur Pandit and Umesh Sahni and decide the matter as to payment of salary in accordance with law. Continuance of service and validity of appointment letter and payment of salary shall abide by the final decision afresh in accordance with law.

5. With the aforesaid, both the writ petitions stand disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	

