

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8019 of 2014

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Bhola Sharma son of Late Sita Ram Sharma, resident of Mohalla- Narain Chuan, Shiva Shakti Colony, PS- Civil Lines at and District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Magadh Division, Gaya
3. The District Magistrate-cum-District Officer, Gaya
4. The District Education Officer, Gaya
5. The Principal, Rajyakiya Chandra Shekhar Uccha Vidyalaya, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ashok Kumar Singh, Sr. Advocate
		Mr. Bhola Kumar, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, G.A.-7
		Mr. Abhishek Singh, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-08-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Learned counsel for the petitioner submits that petitioner was appointed as Peon on 19.04.1982 in terms of advertisement dated 28.09.1981(Annexure-1) and he worked continuously from 13.05.1982 to 14.09.1985. Thereafter, he was terminated verbally with effect from 14.09.1985.

The petitioner has approached several authorities for redressal of his grievance, but in vain.

Learned counsel appearing on behalf of the petitioner submits that vide Annexure-6 the representation filed by the petitioner was forwarded to the Regional Deputy



Director(Education),Magadh Division, Gaya for reinstatement of the petitioner but till date no action was taken by the Regional Deputy Director (Education) Magadh Division, Gaya.

This writ petition was filed with two advance copies to the office of Advocate General on 25.4.2014 but till date no counter affidavit has been filed.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the Regional Deputy Director (Education) Magadh Division, Gaya to take final decision on the claim of the petitioner as to the reinstatement of the petitioner. In case, on verification of the record, it is found that the petitioner was validly appointed after selection process and advertisement then the respondent Regional Deputy Director (Education), Magadh Division, Gaya will pass appropriate order for reinstatement of the petitioner and if on verification of the record, it transpires that the appointment of the petitioner is not in accordance with law, the Regional Deputy Director, Magadh Division, Gaya shall pass appropriate order, rejecting the claim of the petitioner.

Learned counsel appearing on behalf of the State submits that counter affidavit has been filed but from the computer it does not reflect that any counter affidavit was filed



in the instant case.

Learned counsel for the petitioner also dispute the fact that any counter affidavit was served on the petitioner.

Under the aforesaid circumstances, when counter affidavit is not on record and it was not served, the Court cannot take cognizance of the submission of the counsel about the filing of the counter affidavit as the same is not available on record.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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