

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25637 of 2013

Shiv Chandra Sahu S/O Sukhdeo Sah Resident Of Village & P.O- Mahendrapur, Police Station- Nayagaon, District- Begusarai, At Present Posted And Working As Assistant Teacher In Govt. Middle School- Bharra, Anchal- Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government Of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. Of Bihar, Patna.
4. The Deputy Secretary, Finance (Pay Fixation) Department, Government Of Bihar, Patna.
5. The Director, Primary Education, Bihar, Patna
6. The Regional Deputy Director Of Education, Munger Division, Munger.
7. The District Magistrate, Begusarai.
8. The Deputy Development Commissioner- Cum- Chairman, District Education Establishment, Committee, Begusarai.
9. The District Education Officer, Begusarai
10. The District Programme Officer (Establishment), Begusarai.
11. The District Treasury Officer, Begusarai.
12. The District Accounts Officer, Begusarai.
13. The Headmaster, Govt. Middle School- Bharra, Anchal- Begusarai, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Rajiv Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-09-2018

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

Learned counsel for the petitioner submits that the case of the petitioner is covered by the decision of this Court in the case of Shiva Kant Jha Vs. The State of Bihar vide order dated 29.3.2004 passed in CWJC No. 8333 of 1999, Annexure-7. Earlier the petitioner had filed a writ petition against the decision of the respondents and vide Annexure-9, the writ petition was disposed



of with a direction to the concerned District Education Officer to decide representation in accordance with law. On the basis of Annexure-9 the respondents have passed order rejecting the claim of the petitioner. Counsel submits that the decision of the respondents rejecting the claim of the petitioner is contrary to the decision of this Court in the case of Shiva Kant Jha, Annexure-7.

In view of the decision of of this Court in Shiva Kant Jha, which is still holding the field, the court does not find any reason to uphold the impugned order dated 6.12.2008. It is accordingly quashed.

The respondents are directed to work out the consequential benefits and ensure payment of the same within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2018
Transmission Date	

