

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22030 of 2013

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Uttam Prasad Yadav S/O Moti Mandal R/O Village - Amaha, P.O. Sahuria
Amaha, Via - Gamharia Bazar, P.S. Supaul, Distt. - Supaul.

..... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna.
2. The Secretary Primary Education, Govt. Of Bihar, Patna.
3. The Director, Primary Education, Govt. Of Bihar, Patna.
4. The Regional Deputy Director Of Education, Koshi Commissioner, Saharsa.
5. The Collector Of District Supaul.
6. The District Education Officer, Supaul.
7. The District Education Officer, Saharsa.
8. The Block Education Officer, Supaul.
9. The Head Master Of Rajkiya Primary / Middle School, Rampur, Ekma, Distt. - Supaul.

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, advocate.
For the Respondent/s : Mr. Manoj Kr. Ambastha, advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 02-08-2018

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

2. Earlier the petitioner has filed C.W.J.C. No. 11831 of 2012 which was disposed of vide Order dated 16.07.2012. The respondents were directed to consider the representation of the petitioner dated 30.9.2010 and was directed to dispose of the same by reasoned and speaking order. It appears that after the order of



this Court the representation dated 16.7.2012, of the petitioner was disposed of and the claim of the petitioner was rejected vide order contained in Memo No. 752 dated 03.06.2013.

3. Learned counsel for the petitioner has drawn attention to this Court to various documents starting from Annexure-4 letter no. 3072 dated 08.12.1992 issued by the Secretary of the Human Resources Development Department, whereby specific guidelines was issued to the District Magistrate, Saharasa in connection with approval of the service of teachers appointed prior to 01.01.1971 in different nationalized Primary / Middle school.

4. Learned counsel for the petitioner has drawn attention of this Court to the report submitted by the District Education Officer, Saharasa contained in Annexure-5 dated 31.7.1995 wherein the name of the petitioner is mentioned at Sl. no.1. The said letter was issued in connection with verification of the claim of the teacher for approval of the service in the light of Annexure-4. The subsequent Annexures regarding verification contained in Annexure-6 to 11 of writ application are indicative of the fact that all the reports in connection with approval of the service of teachers in the light of Annexure-4 was in favour of petitioner. The petitioner was appointed against the post having



requisite qualification and fulfills condition for scrutiny as contained in Annexure-4. Notwithstanding the overwhelming evidence contained in aforesaid documents enclosed by the petitioner as Annexure-4 to Annexure-11 the representation of the petitioner was rejected on the ground that the petitioner does not fulfill the condition contained in letter No. 3072 dated 08.12.1992. On consideration of the entire materials on record the Court is constrained to hold that the order contained in memo No. 752 dated 03.06.2013 is based on non-consideration of the materials fact as such the order cannot sustained. Accordingly, the order contained in Annexure 19 dated 03.06.2013 is quashed.

5. The Respondents are directed to pass fresh order considering the documents contained in Annexure-4 to Annexure-11 enclosed with this writ application which prima facie contains favourable recommendation particularly Annexure-5 to Annexure-11. It is made clear that while taking decision the respondent Director have to strictly adhere to the reports, furnished by various authorities in the light of Annexure-4 and pass the appropriate order including order with regard to consequential benefits in terms of Annexure-4, preferably within a period of 60 days from the date of receipt / production of a copy of this order.



6. With the aforesaid the writ application stands allowed
and disposed of.

(Anil Kumar Upadhyay, J)

banti/-T.Kr.

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

