

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16308 of 2014

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S.M. Rizwan Alam, Son of S. M. Israil Hasan, Resident of Kagzi Mohalla, P.S. Bihar Sharif, Town, District - Bihar Sharif

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat, Bailey Road, Patna
2. Director, Secondary Education, Human Resources Development Department, New Secretariat, Bailey Road, Patna
3. Regional Deputy Director, Patna Zone, Patna, District - Patna
4. District Education Officer, Nalanda at Bihar Sharif, District Nalanda
5. Secretary, Soghra High School Inter College, Bihar Sharif, Nalanda, District - Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Respondent/s : Mr. Pramod Kumar Singh, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 26-09-2018

Heard learned counsel for the petitioner and State.

2. The claim of the petitioner for approval was rejected by the Director, Secondary Education, Government of Bihar, Patna on the ground that the petitioner has crossed the age limit for appointment.

3. This issue is no more *res integra*. This Court has occasion to decide this issue in the case of Jayashree (C.W.J.C. No. 10013 of 2013) and vide oral judgment dated 22.08.2016 a Coordinate Bench of this Court has held out that in the matter of appointment of teacher, there is no bar of age and as such the order of rejection of approval dated 10.10.2012 (Annexure-1) cannot sustain. It



is, accordingly, quashed.

4. The respondents are directed to consider the case of the petitioner for grant of approval afresh, as there is no age bar for appointment of teacher. In the matter of deficit grant, there is only bar that no teacher is entitled to receive the payment out of deficit grant beyond the age of superannuation.

5. The respondents are accordingly directed to take fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ application is allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2018
Transmission Date	

