

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5844 of 2017

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Parmeshwar Singh, Son of Late Ram Audan Singh, Resident of Village- Baij, P.O. Ishrauli, P.S. Marhaura, District- Saran at Chapra, retired Assistant Teacher, Middle School, Padmoul, Anchal- Mashrakh, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra- cum- Chairman, the District Education Establishment Committee, Saran at Chapra.
4. The District Education Officer, Saran at Chapra, District- Saran at Chapra.
5. The District Programme Officer (Establishment), Saran at Chapra, District- Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
Mrs. Anita Kumari, Advocate

For the Respondent/s : Smt. Binita Singh, SC-28
Mr. Nishant Kumar Jha, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 29-03-2018

Heard learned counsel for the petitioner and State.

2. The petitioner is aggrieved by the rejection of the representation filed by the petitioner before the Collector, Siwan vide Annexure-6. The order as contained in Annexure-6 proceeds on the premise that the petitioner has not been able to produce the document whereby he has been granted permission to appear at the Graduation examination.

3. Learned counsel for the petitioner submits that from the service book of the petitioner it would be manifest that the



petitioner has obtained prior permission and entries to that effect was made in the service book by the competent authority. The entries in the service book of the petitioner in 1970 preclude the respondents from making any enquiry as to the fact that petitioner has obtained prior permission for appearing at the examination. The official entries are presumed to be correct and there is presumption of validity of the official entries unless contrary is proved.

4. Since the entries in the service book are made by the officials of the Education Department, the respondents are obliged to take note of the entries and accept the entries for all practical purpose unless contrary proved. From perusal of Annexure-6, it appears that contrary to the settled principle and the presumption as to the validity of the entries in the service book, the respondents have acted and rejected the representation.

5. In view of the above, the order as contained in Annexure-6 cannot sustain and is hereby quashed. The respondents are directed to consider the case of the petitioner in the light of the entries made in his service book and grant all relief on the basis of the entries made in the service book. The respondents are also required to grant all consequential benefits from the date of entitlement i.e. from the date juniors to the petitioner have been granted such benefits. The decision in this regard must be taken by the respondents 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.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2018
Transmission Date	

