

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1711 of 2017

Madhu Kumari D/o Birendra Mishra Resident of Mishra Kunj (Poonam Mishra) Road No 8-B, Rajeev Nagar, P.O. Keshri Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Principal NAV SHRIJIT Primary School Chap Mathiya, Mathiya, District - Gopalganj.
3. The Mukhiya Gram Panchayat Raj 'Chap' Hathua, District - Gopalganj.
4. Secretary, Gram Panchayat Raj Chap Hathua, District - Gopalganj.
5. Teachers Appointment Committee, Panchayat Raj Chap Hathua, District - Gopalganj.
6. B.E.E.O. Hathua, Gopalganj.
7. District Programme Officer, Gopalganj. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh, Advocate
For the Respondent/s : Mr. Bijay Bhushan Prasad, AC to SC13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 28-03-2018 Learned counsel for the petitioner is permitted to add the Director, Primary Education as party-Respondent No. 8 to the writ petition during the course of the day.

Heard learned counsel for the petitioner and the State.

The grievance of the petitioner in the present writ petition is non-acceptance of her joining.

Learned counsel for the petitioner submits that the petitioner was suffering from serious ailment and as such she could not join earlier. Now, after recovery when she submitted joining, she was not allowed to join.

On behalf of the respondents a counter affidavit has been filed wherein stand has been taken that the petitioner is only



entitled to grant of leave for a period of 90 days in a year, whereas the petitioner has approached for joining after 135 days.

In the ordinary circumstance the respondents may be justified in denying joining beyond 90 days but in exceptional case, they are supposed to accept the joining if there is serious ailment which prevented the petitioner from joining within 90 days and the respondents cannot deny joining simply saying that the petitioner was entitled to only 90 days medical leave in a year.

In view of the above, the writ petition is disposed of with a direction to the respondent-Director, Primary Education to consider the case of the petitioner sympathetically and granting the petitioner indulgence and issue appropriate direction for accepting her joining in the school in question as extra ordinary case and grant extra ordinary leave.

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

(Anil Kumar Upadhyay, J)

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