

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11742 of 2001

Baij Nath Sah, S/O Late Mukhlal Sah, Resident of village – Dumari, P.S. Majorganj, District – Sitamarhi, the retired Head Master of Gurukul Araya Samaj Awashiya Sanskrit High School, Bairagainia, Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary- Cum – Commissioner, Secondary, Primary and Adult Education, Bihar, Patna.
3. Special Director (Secondary Education), Secondary Primary and Adult Education Department, Bihar Patna.
4. Bihar Sanskrit Shiksha Board, Patna, through its Chairman.
5. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
6. Secretary, Bihar Sanskrit Shiksha Board, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 12194 of 2001

Deo Narayan Nayak, Son of Shri Uttim Nayak, resident of village Rampur Kanth, P.S.- Bairganja, District – Sitamarhi, at present Assistant Teacher, Sarvoday Gurukul Sanskrit High School, Ramrup Nagar, Bairganja, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Special Director (Secondary Education), Secondary, Primary & Adult Education Department, Govt. of Bihar, Vikash Bhawan, Patna.
3. The Bihar Sanskrit Shiksha Board, through its Secretary.
4. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
5. The Secretary, Bihar Sanskrit Shiksha Board, Patna.

.... Respondent/s

Appearance :

(In CWJC No.11742 of 2001)

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Sunil Kumar Mandal, SC 3
Mr. Bipin Kumar, AC to SC3

(In CWJC No.12194 of 2001)

For the Petitioner/s :

For the Respondent/s : Mr. Sunil Kumar Mandal, SC 3
Mr. Bipin Kumar, AC to SC3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 19-06-2018



Both the writ applications involved the issue of appointment of the headmaster of the school in question.

In C.W.J.C. No. 11742 of 2001, the writ petitioner died. There is no information about the status of the petitioner of C.W.J.C. No. 12194 of 2001.

Both the writ applications are pending since 2001, under the aforesaid circumstances, the writ applications are disposed of with liberty to the petitioners/dependant of the petitioners to approach afresh before the Special Director, Secondary Education, who may enquire into the claim whether on the date of passing of the order challenged in these writ applications, the petitioners were eligible for grant of such promotion, as headmaster or subsequently they have acquired such status.

In the event, the Special Director, Secondary Education finds substance in the claim of the petitioners/dependant of the petitioners, he may pass appropriate order granting consequential monetary benefits. In the event, the Special Director, Secondary Education finds that there is no merit in the claim of the dependant of petitioner of C.W.J.C. No. 11742 of 2001 or petitioner of C.W.J.C. No. 12194 of 2001 or his dependants, he may pass reasoned order rejecting the same. The entire exercise in this regard should be taken afresh without being influenced by the impugned order, which was the



subject matter of both the writ applications. Final decision in this regard must be taken by the Special Director, Secondary Education within a period of four months from the date of receipt/production of a copy of this order.

It is needless to state here that the respondent Special Director, Secondary Education will assure payment of monetary benefit, if he finds substance in the claim of the dependant of petitioner of C.W.J.C. No. 11742 of 2001 or petitioner of C.W.J.C. No. 12194 of 2001 or his dependants.

With the aforesaid, the writ applications are disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2018
Transmission Date	

