

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8665 of 2015

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Sudha Sharma W/o Late Sunil Kumar Sharma Resident of Village Gorhari,
Police Station Bela, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Govt. of Bihar,
Patna.
3. The District Education Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Gp21- Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

Petitioner is a widow of late Sunil Kumar Sharma.
Sunil Kumar Sharma was an Assistant Teacher in Sahid
Chandranath Project Girls High School, Gorhari, Sitamarhi. The
claim of the petitioner's husband late Sunil Kumar Sharma was
rejected on the ground that he was overage. The issue of
overage was considered and decided by the full Bench of this
Court reported in 2000 (1) PLJR, (287).

Learned counsel for the petitioner further submits that
similar issue was considered by this Court in CWJC No. 18615
of 2008 and this Court has already held out vide judgment dated
07.04.2014 that rejection on the ground of overage is
unsustainable.



In view of the above the Court directs the Director Secondary Education to take fresh decision with regard to the entitlement of the husband of the petitioner for grant of approval as Assistant Teacher in Project school Sahid Chandranath Project Girls High School, Gorhari, Sitamarhi. Necessary decision in the light of the judgment of the full Bench and Oral order of this Court dated 07.04.2014 in CWJC No. 18615 may be taken by the Director Secondary Education within a maximum period of four months from the date of receipt/production of a copy of this order.

It goes without saying that the respondents have to ensure consequential benefits to the widow of the Sunil Kumar Sharma within the time frame as indicated above.

In view of the discussion and observation hereinabove the order Memo No. 125 (P) dated 19th April 2010 contained in Annexure-1 is accordingly quashed. Respondents have to take fresh decision as indicated above.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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