

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14253 of 2014

=====

Raghu Nandan Ray, Son of Late Kuldip Rai Assistant Teacher, Project Girls High School, Mahua, Police Station - Mahua, District - Vaishali at present posted as Prakhanda Teacher appointed on contract basis in Upgraded Middle School - Chakauli, Police Station - Mahua District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Department of Education, New Secretariat, Vikas Bhawan, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Director (Secondary Education) Department of Education, Bihar Secondary Education Office, Budh Marg, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey

For the Respondent/s : Mr. Gp22- Gyan Prakash Ojha

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-09-2018

Heard learned counsel for the petitioner and

learned counsel for the State.

The grievance of the petitioner in the present writ application against the dilly dally of the respondents in allowing the petitioner to join as Assistant Teacher in Project Girls High School, Mahua despite his services as an Assistant Teacher was recognized by the State Government vide order dated 24.06.2008.

The reason for not allowing the petitioner to join is that the petitioner had left the Project Girls High School and joined another school and as such the petitioner has not fulfilled



the condition of continuity in service. Similar issue was considered in CWJC No. 5517 of 2011 where a teacher of the Project School, namely, Nutan Kumari has left the school and thereafter joined as Panchayat Teacher. Later on, the recognition of the services of the petitioner Nutam Kumari was cancelled on the ground that petitioner Nutan Kumari has joined as Panchayat Teacher and as such not entitled to the benefit of recognition as Assistant Teacher in Project School.

Mr. Bijay Kumar Pandey, learned counsel appearing on behalf of the petitioner, has placed reliance on the notification issued by the respondent, Director, Secondary Education dated 06.06.2018 where the services of Anjali Banerjee was recognized on the condition that during the period Anjali Banerjee was working in another school, for which she shall not be entitled to payment of salary.

In view of the judgment of the Court passed in CWJC No. 5517 of 2011 and the decision of the Director, Secondary Education, contained in Memo No. 93 dated 06.06.2018 issued in connection with Anjali Benerjee, the present writ application is allowed. The respondents are directed to take appropriate decision with regard to joining of the petitioner of this case on the line Anjali Banerjee's service was recognized and allowed to



join pursuant to the order was passed on 06.06.2018. The entire exercise in this regard must be taken by the respondents within a period of one month from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

sujiit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

