

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19811 of 2011

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1. JATASHANKAR JHA S/O LATE BALBHADRA JHA R/O VILLAGE- POKHARINDA, P.O.- TELHAR, P.S. + BLOCK- MAHESHI, DISTRICT- SAHARSA
 2. SIW SHANKAR JHA S/O LATE JAGARNATH JHA R/O VILLAGE- DHENGA, P.O. + P.S. AND BLOCK - NAUHATA, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE PRINCIPAL SECRETARY HUMAN RESOURCES DEVELOPMENT DEPARATMENT, GOVT. OF BIHAR, PATNA
3. THE DIRECTOR, SECONDARY EDUCATION, GOVT. OF BIHAR, PATNA
4. THE DEPUTY DIRECTOR, SECONDARY EDUCATION, GOVT. OF BIHAR, PATNA
5. THE REGIONAL DEPUTY DIRECTOR OF EDUCATION, KOSHI DIVISION, SAHARSA
6. THE DISTRICT EDUCATION OFFICER, SAHARSA

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh (Sr. Advocate) Mr. Rajeev Kr. Singh, Advocate Mr. Nirala Kr. Singh, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 22-06-2018

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

2. The petitioners have filed the present writ application for a direction to the respondents to consider their cases for restoring their seniority.

3. Mr. Rajendra Prasad Singh, learned senior counsel appearing on behalf of the petitioners submits that on bifurcation of the Munger division petitioners have requested for transfer and



they have been posted in the newly carved out division Saharsa. He submits that on bifurcation of division transfer cannot adversely affect the seniority of the petitioners. In the alternative, he submits that even 1972 Government Circular will not adversely affect the seniority to the extent that the petitioners will be put below teachers appointed in the same transaction. The petitioners can be only put in the bottom in the seniority list of the same transaction and not below the teachers appointed in the subsequent transaction.

Mr. Singh further submitted that in the present case when the Saharsa division was carved out from the Munger division, the respondents are required to work out the seniority of the petitioners without affecting their seniority on such transfer after bifurcation of the division.

The present writ petition was filed in the year 2011 and the claim of the petitioners is for reckoning their seniority from 1983. We are in 2018. At this stage it is very difficult for this Court to determine the claim of the petitioners for grant of seniority with effect from 1983. However, in the given circumstances liberty shall be available to the petitioners to file representation before the respondent Deputy Director of Education, Saharsa division along with the copy of this order claiming restoration of seniority on



transfer from Munger to Saharsa division and the respondent authorities are required to apply judicial mind with respect to the claim of the petitioners and dispose of the representation within a maximum period of 3 months from the filing of the representation along with the copy of this order. The respondents are required to consider the entire facts of this case as well as the relevant rule and circular for determination of inter se seniority of the teachers.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

