

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14294 of 2014

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Shree Narain Yadav Son of Late Kameshwar Yadav Assistant Teacher, Project Girls High School, Kumarkhand, Police Station - Kumar Khand, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar 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 District Education Officer, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Raghwand, G.A.11
		Dr. Komal Deo Sharma, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 25-10-2018

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

2. The claim of the petitioner was rejected on the two grounds. Firstly, that it is beyond the post of Assistant Teacher in the humanity group and secondly that his appointment is after the cut off date.

3. So far as second objection is concerned, the same lacks substance for the reason that in terms of letter no. 142 the cut off date would be read when the school in question is selected as project school and therefore the cut off date 4.2.1989 has no consequence.



4. The other objection that he was beyond the sanction strength of Assistant Teacher in humanity as evident from para-10 of the counter affidavit that all the three posts of Assistant Teachers in humanity have been occupied by three senior teachers and as such the case of the petitioner was not considered.

5. Mr. Vijay Kumar Pandey, learned counsel appearing on behalf of the submits that only two teachers in the humanity have been considered and their service have been approved and there is still one post available in the humanity.

6. Without going to the controversy whether there exist post or not, the writ petition is disposed of with liberty to the petitioner to file representation before the Director, Secondary Education who shall examine the claim of the petitioner and if there exist one post in the humanity group and the petitioner is senior most teacher for consideration, the Director, Secondary Education will pass appropriate order with regard to claim of the petitioner and in the event any persons senior to the petitioner is available for consideration against the third post in the humanity group, the respondent Director shall pass appropriate order for rejecting the claim of the petitioner.

7. Final decision in this regard may be taken



within a maximum period of four months from the date of receipt/production of a copy of this order.

8. The consequential benefit will abide by final decision passed by the Director, Secondary Education in accordance with law.

9. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2018
Transmission Date	

