

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13952 of 2014

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Shyamanand Prasad, son of Late Kashi Prasad, posted as an Assistant Teacher in Project Girls High School, Goraul, P.S.- Goraul, District- Vaishali, at present posted as an Assistant Teacher in Middle School Baksan Police Station- Goraul, 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, 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, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey
For the Respondent/s : Mr. Sunil Kumar, AC to GP-11

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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 is against the decision of the respondents contained in Memo No. 75(P) dated 29.02.2012 whereby service of the petitioner as an Assistant Teacher, recognized by order dated 08.07.2010 vide Annexure-6, was cancelled.

The reason for cancellation of recognition of the services of the petitioner is that the petitioner had left the Project Girl 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 Nutan 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, 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 and grant similar treatment to the petitioner of this case as has been granted to the petitioner Nutan Kumari in CWJC No. 5517 of 2011 (Annexure-10) and Anjali Banerjee in whose



case order was passed on 06.06.2018. The entire exercise in this regard shall 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	

