

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12531 of 2014

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Ram Prasidh Ray Son of Sri Ram Ratan Ray Assistant Teacher, Project Girl's
High School, Mahua, 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, New Secretariat, Vikash
Bhawan, Patna.
3. The Director (Secondary Education), Department of Education, Secondary
Education Office, Budh Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sharma
For the State	:	Mr. Chittaranjan Sinha, PAAG-2
		Mr. Shailendra Kumar, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 26-07-2018

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

2. The grievance of the petitioner in the present writ
petition is for recognition of his services as Assistant Teacher in
the Project School and for payment of salary.

3. Learned counsel for the petitioner submits that after
the judgment of the Full Bench, the matter was examined at
different levels by the respondents and thereafter in the case of
similarly circumstanced Maheshwar Prasad Singh in CWJC No.



13159 of 2013, a Co-ordinate Bench of this Court has passed order on 22.05.2015 directing the Director, Secondary Education to examine the matter, who had rejected the claim of said Maheshwar Prasad Singh. The matter was considered by the Contempt Court and thereafter the Director preferred Letters Patent Appeal which was dismissed by this Court and final order was issued in favour of Shri Maheshwar Prasad Singh. Counsel submits that the case of the petitioner is identical to the case of said Maheshwar Prasad Singh.

4. This writ petition was filed on 22.07.2014, after service of two advance copies to the office of the Advocate General but even after expiry of four years no counter affidavit has been filed on behalf of the State.

5. Under the compelling circumstances, the writ petition is disposed of with a direction to the Director, Secondary Education to examine the claim of the petitioner in the light of the order passed on 22.05.2015 in CWJC No. 13159/2015 and if it is found that the case of the petitioner is similar to said Maheshwar Prasad Singh, similar benefits should be extended to the petitioner. Final decision in this regard must be taken by the respondent-Director, Secondary Education within a period of four months from the date of receipt/production of a copy of this order.



6. With the aforesaid, the instant writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2018
Transmission Date	

