

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13857 of 2013

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Reeta Kumari Wife Of Daya Shankar Prasad Resident Of Village & P.O.:-
Chakiya, P.S.:- Chakiya, District:- East Champaran At Motihari

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Human Resource Development,
Govt. Of Bihar, Patna
3. The Secretary, Department Of Finance, Govt. Of Bihar, Patna
4. The Secretary, Secondary Education Department, Govt. Of Bihar, Patna
5. The Director, Secondary Education, Govt. Of Bihar, Patna
6. The District Magistrate, East Champaran At Motihari
7. The District Program Officer, East Champaran At Motihari
8. The District Education Officer, East Champaran At Motihari
9. The Block Education Extension Officer, Kesaria, East Champaran At
Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Respondent/s : Mr. Madanjeet Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

13 20-11-2018 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

In the instant writ application there are certain factual
disputes which cannot be decided in the present proceeding.

Learned counsel for the petitioner submits that
petitioner was regularly working in the school. He further
submits that Similar circumstance other teacher has been
regularized whereas different yardstick have been adopted in the
matter of consideration of this petitioner.

On behalf of the respondent stand has taken that the



case of the petitioner was not considered in view of the fact that authority of the school in question has not sent the case of the petitioner as working teacher so the case of the petitioner could not be considered.

Learned counsel appearing on behalf of the petitioner submits that the case of similarly circumstanced Smt. Rupam Mishra was considered and recommended by the respondents but in the case of this petitioner different yardstick was followed by the respondents.

In the present factual situation the court cannot decide the dispute whether the petitioner was working and she was entitled to approval of service as Assistant Teacher in the present school on the strength of continuous working as there are dispute as to the fact whether petitioner was regularly working or not. In the aforesaid circumstance, it would be appropriate that petitioner may file representation before the Director Secondary Education enclosing relevant document to establish that the case of Rupam Mishra and the case of the petitioner is similar. In case such representation is filed by the petitioner along with copy of this order, the Director Secondary Education will examine the claim of the petitioner and if it is found that the case of the petitioner is similar to the case of



Rupam Mishra, similar benefit should be extended to the petitioner and if it is found the case of the petitioner is distinguishable on fact, the Director shall assign reason for rejecting the claim of the petitioner. Final decision in this regard may be taken by the Director Secondary Education within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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