

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20982 of 2011

=====

Bhubneshwar Sahu S/O Sri Rameshwar Sah Resident Of Village+ Post-Baluaha, Police Station- Mahasi, District- Saharsa.

... .. Petitioner/S

Versus

1. The State Of Biha.
2. The Principal Secretary, Human Resouces Development Department, Government Of Bihar, Patna.
3. The District Secondary Education, Govt. Of Bihar, Patna.
4. The Deputy Dirctor, Secondary Education, Govt. Of Bihar, Patna..
5. Regional Deputy Director Of Education, Darbhanga Division, Darbhanga.
6. The Regional Deputy Director Of Education, Koshi Division, Saharsa.
7. The Regional Deputy Director Of Education, Munger Division, Munger.
8. The District Education Officer, Darbhanga, District- Darbhanga.
9. The District Education Officer, District- Khagaria.
10. The District Education Officer, District- Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate
		Mr. Mukesh Kumar Singh, Advocate
For the State	:	Mr. Ms. Neelu Jha, AC to GA-12

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 02-07-2018

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

2. Mr. Rajendra Prasad Singh, learned senior counsel
appearing on behalf of the petitioner submits that the petitioner
was appointed on 22.1.1980 by the Managing Committee of the
school in question. The said school was granted permission for
establishment vide Memo No. 12243 dated 22.4.1982. The school
in question was subsequently taken over as High School in terms
of the policy decision of the State Government vide memo no.
19451-59 dated 21.9.1983. He submits that in view of the fact that



the school was granted permission for establishment on 22.4.1982, the services of the petitioner has to be counted for the purpose of pensionary benefit from that date. He submits that the petitioner was granted all the benefits of service with effect from the date of taking over of the school i.e. 21.9.1983 whereas the similarly circumstanced others have been granted benefit from the earlier date. He referred to the judgment of this Court reported in 2007(1) PLJR 769 which was subsequently affirmed by the Division Bench.

3. The only dispute in the present writ petition is counting of service prior to 21.9.1983 i.e. the date of take over. The school in question was granted permission for establishment with effect from 22.4.1982. The appointment of the petitioner is anterior to 21.9.1983 i.e. 22.1.1980. If the claim of the petitioner is for counting of service not from the date of take over but from the date the school was granted permission for establishment, the writ petition is disposed of with a direction to the respondents to examine the claim of the petitioner and if it is found that the school was granted permission for establishment on 22.4.1982 and similarly circumstanced others have been granted recognition of service from the date of permission to establish the school, similar benefit must be extended to this petitioner also. Necessary decision



in this regard must be taken by the respondent- RDDE, Koshi Division within a period of three months from the date of receipt/production of a copy of this order.

4. The respondents are required to work out the entitlement of the petitioner and pay the consequential benefits within a further period of one month from the date of such order.

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

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2018
Transmission Date	

