

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4660 of 2018

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Mohammad Altaf Hussain, aged about 48 years, Son of Md. Hanif Ansari @ Hanif Miya, Resident of Village- Brondhya, P.S.- Simultalla, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The District Programme Officer (Establishment), Jamui.
4. The District Education Officer, Jamui.
5. The Block Education Officer, Jhajha, District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. Kameshwar Kumar, GP-17

Mr. S. K. Ranjan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 15-03-2018

Heard learned counsel for the petitioner and State.

The issue raised in the present writ application is no more *res integra*. It has been decided by this Court that the condition incorporated subsequent to absorption cannot adversely affect the petitioner. The letter of the State Government as well as the District Programme Officer (Establishment), Jamui cannot adversely affect the petitioner and as such the respondents are directed to make payment of salary to the petitioner notwithstanding the fact that the petitioner has obtained intermediate qualification after 04.07.2003. Any letter/circular issued subsequent to absorption of the petitioner, as Panchayat Teacher will not adversely affect, as such the decision



cannot be applied retrospective to undue absorption and appointment of the petitioner. Accordingly, the petitioner appointed as Shiksha Mitra and on absorption w.e.f. 01.07.2006 as Panchayat Teacher by operation of rule is entitled to continue as Panchayat Teacher and with all consequential benefit of salary of Panchayat Teacher.

The respondents are directed to act accordingly and issue necessary order for payment of arrears and current salary within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	

