

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22882 of 2012

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1. Quazi Md. Quamruzzama S/O Sri Kaji Md. Jalauddin R/O Village-Haripur, P.O.&P.S.-Amour, Distt-Purnea
 2. Quazi Quaiser Alam S/O Quazi Ezharul Alam P.O.&P.S.-Puranaganj, Distt-Purnea
 3. Md. Farooque Azam S/O Gholam Yasin R/O Vill-K.N.Panisadra, P.O.&P.S.-Biasi, Distt-Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Patna
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Director, Secondary Education , Government Of Bihar, Patna
4. The Deputy Director, Secondary Education , Government Of Bihar, Patna
5. The District Education Officer, Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate
For the Respondent/s : Mr. Dinesh Maharaj, AC to AAG-11

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 14-09-2018

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

2. The petitioners are aggrieved by the orders dated 10.02.2011, 15.02.2011 and 15.02.2011, Annexures 5, 5/1 and 5/2 to the writ petition, whereby the Director, Secondary Education annulled the approval of the services of the petitioners as teacher in the project school.

3. Earlier the services of the petitioners were approved by the respondents as teacher in the project school but later on the respondents had issued notice to the petitioners and after hearing



them cancelled the order of approval on the ground that the petitioners at their own volition joined as Panchayat Teacher and once they joined voluntarily as Panchayat Teacher, they are not entitled to the approval of their services in the project school.

4. Mr. Subodh Kumar Jha, learned counsel for the petitioners has drawn the attention of the Court to the order dated 06.03.2012 passed by a co-ordinate Bench of this Court in CWJC No. 5517 of 2011, as contained in Annexure-7 to the writ petition, wherein in similar circumstances the Court quashed the order passed by the Director in similar circumstances and remitted the matter back for decision afresh. The said order runs as under:-

“Annexure - 6 is the order passed by the Director, Secondary Education, Government of Bihar, Patna by virtue of which recognition of service given to the petitioner in the Project Girls High School, Dhamdaha in the district of Purnea is sought to be annulled on the ground that the petitioner voluntarily resigned as a teacher in the Project Girls High School and joined as a Panchayat teacher without information to the authorities and in absence of such information her services got confirmed.

It is the contention of the learned counsel for the petitioner that there was no question of any resignation. Petitioner has been serving the Project Girls High School for many a decade



and this fact was taken note of by the three Member Committee and recommended in her favour. Due to certain economic condition she decided to serve the State, may be in other capacity as a Panchayat teacher instead of serving in the said Project Girls High School while decision was awaited for her recognition. However, such a thing has been made out to tick the issue and all her past service rendered in the Project Girls High School has been denied or taken away because the petitioner was said to be discreet serving in the State in the State as a Panchayat teacher instead of Project Girls High School.

In the counter affidavit there is no material to show that petitioner resigned or tendered her resignation from the post in question. If she was a teacher in the Project School without taking any action against her, her services just cannot vanish; more so when she was serving the State itself in yet another capacity in another school as a Panchayat teacher.

Learned counsel for the petitioner submits that she has already given an application before the Director, Secondary Education Government of Bihar to treat her period of service as a Panchayat teacher as extraordinary leave and atleast ensure that she is not denied benefit of two decades of service to the respondent State.



Matter does require reconsideration by the Director, Secondary Education. Annexure - 6, therefore, is quashed. Matter is remitted back to consider the matter afresh in light of the stand taken by the petitioner contained in annexure-5. Decision in this regard should be taken within a period of three months from the date of receipt/production of a copy of this order.

This writ application is allowed.”

5. In view of the above order passed by a Co-ordinate Bench of this Court, this writ petition is allowed. The matter is remitted back to the respondents to take fresh decision and pass appropriate order in accordance with law at the earliest.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2018
Transmission Date	

