

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7457 of 2011

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RADHA KISUN PRASAD S/O LATE RAM BECHAN SAH R/O VILL.-
TAKSARI, P.S.- MADHUBAN, DISTT.- EAST CHAMPARAN, AT
PRESENT WORKING AS PEON IN RAJ KUMAR PRASAD RAM
SAWARI DEVI PROJECT GIRLS HIGH SCHOOL MADHUBAN, P.S.-
MADHUBAN, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY
HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVT. OF
BIHAR, PATNA
2. THE DIRECTOR SECONDARY EDUCATION, HUMAN RESOURCES
DEVELOPMENT DEPARTMENT, GOVT. OF BIHAR, PATNA
3. THE DISTRICT EDUCATION OFFICER EAST CHAMPARAN AT
MOTIHARI
4. PRWATI KUMARI W/O SHRI DEWAN SAH R/O VILL.+P.O.+P.S.-
MADHUBAN, DISTT.- EAST CHAMAPRAN

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Resp. No.4 : Mr. Rajendra Prasad Singh, Sr. Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 21-06-2018

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

Mr. Ram Sagar Singh, learned counsel for the petitioner
submits that in the year 1986 there was no post available as both
the two posts were occupied by the appointees. He submits with
reference to Annexures 6,7 and 9 that as per the status report the
petitioner was working in the school in question and the name of
the respondent No. 4 was not available in the status report as
contained in Annexures 6,7 and 9.



Mr. Rajendra Prasad Singh, learned senior counsel appearing on behalf of the Respondent No. 4 submits that the petitioner cannot collaterally challenge the decision of 1993 in 2011 as the decision in favour of respondent No. 4 is dated 30th of September, 1993. The claim of the petitioner was rejected in 2008 vide office order dated 22nd July, 2008 and after three years the petitioner has filed the present writ petition.

Learned counsel for the petitioner submits that in terms of Annexure-1 the petitioner was granted liberty to file representation and accordingly the representation was filed in terms of the liberty available under Clause 2 of Annexure-1. The said representation has not been disposed of as yet.

Considering the rival submissions of the parties and the fact that the office order in favour of the respondent No. 4 was passed way back in 1993, the Court is not inclined to interfere with the order contained in Annexure-2 dated 30th of September, 1993 at this belated stage. However, without affecting the interest of respondent No. 4, the petitioner, who has filed representation before the authorities in terms of Clause 2 of Annexure-1, he may pursue the representation and the respondent-Director will consider the case of the petitioner and if it is possible, to accommodate him considering the fact that he was appointed prior



to the appointment of Respondent No. 4, appropriate order must be passed by the Director considering the totality of the fact and circumstances of the case.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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