

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20156 of 2012

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Manorma Kumari W/O Sri Anil Sharma R/O Village & P.O.- Mussi, P.S.-
Tekari, District- Gaya, At Present Assistant Teacher, Project Girls High
School, Konch, Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Human Resource
Development Department, Government Of Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna
3. The Deputy Director, Secondary Education Magadh Division, Gaya
4. The District Education Officer, Gaya
5. The District Programme Officer, Gaya
6. The Principal, Project Girls High School, Konch, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Sunil Kr. Mandal, SC-3
Mr. Bipin Kumar, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 11-10-2018 The instant writ application has been filed by the

petitioner being aggrieved by the order rejecting the claim of the

petitioner for approval of her service. The claim of the petitioner

for approval of the service was rejected on the ground of under

age.

As per respondents, the petitioner on the date of initial
appointment was below 18 years. The issue of under age has
been answered by the Full Bench of this Court in the judgment
reported in (2000)1 PLJR 287.

In view of the above, the issue of under age has lost
its significance. In addition thereto, on the date when the school



was selected as project school or even in terms of letter no. 142 dated 1.4.1986 the petitioner was found 18 years old and as such no infirmity can be found in the appointment of the petitioner and respondents were obliged to follow the dictum of the Full Bench reported in (2000)1(Supra).

It is stated here that the issue of under age was considered by this Court on numerous occasion and as such does not require any fresh adjudication.

The Court is of the considered view that respondents have to examine the claim of the petitioner afresh and grant approval of the service from the date petitioner has completed 18 years for all practical purposes.

Accordingly, the writ application is allowed. The order contained in Annexure-7 and 13 are hereby quashed.

The respondents are directed to take a fresh decision in the light of the judgment of the full bench mentioned hereinabove and the letter no. 142 dated 1.4.1989 whereby the cut off date has been fixed as 1.4.1989 for the purpose of eligibility and accordingly they have to take a fresh decision to grant all consequential benefits as petitioner has attained the majority on attaining age of 18 years in the year 1983 itself before selection of the school as projection school.



Necessary decision with regard to the petitioner may
be taken within a maximum period of four months.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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