

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21051 of 2012

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ARVIND SHARMA SON OF LATE GOPAL SHARMA RESIDENT OF
VILLAGE BENAUT, P.O. SARAN, P.S. RASULPUR, DISTRICT SARAN
... .. Petitioner/s

Versus

1. THE STATE OF BIHAR,
2. THE DIRECTOR, SECONDARY EDUCATION, GOVT. OF BIHAR, BUDH MARG, PATNA
3. THE DISTRICT EDUCATION OFFICER, SARAN AT CHAPRA
4. THE HEADMASTER, CHANDRA NAIN GIRLS HIGH SCHOOL, BENAUT, P.O. - SARAI, P.S. RASULPUR, DISTRICT SARAN AT CHAPRA..... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, advocate
For the Respondent/s	:	Mr. Ajay Bihari Sinha, G.A.8, advocate
	:	Mr. Neeraj Raj, AC to G.A. 8, advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-07-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is aggrieved by order contained in Annexure-4, whereby the service of the father of the petitioner was not approved on the ground that Sanskrit subject is not sanctioned by the Manak Mandal and the fact that his father died on 03.05.2003. Learned counsel for the petitioner has drawn attention to this Court to letter contained in Annexure-1. He contended that the petitioner was not a teacher in Sanskrit subject but he was teacher in subject of Music. He submits that Music subject is approved by the State Government in the year 2012 with effect from the date of the initial appointment. He submits that other teachers were granted benefits of



regularization after approval of the post in subject Music and paid monetary benefits w.e.f. 01.01.1989. If that is so the father of petitioner is entitled to be regularized for the purpose of payment of salary from 01.01.1989 to 03.05.2003.

Prima facie the Court is of the view that Annexure-4 is not based on applications of mind to the facts of the case as petitioner was not the teacher appointed in subject of Sanskrit and as such consideration by the Director is erroneous and as such cannot sustain. Accordingly, the writ petition is allowed and the respondent is directed to re-consider the case of the father of the petitioner and if it is found that Music teachers in other school were regularized and paid arrears w.e.f. 01.01.1989 the same benefit should be extended to the father of the petitioner from 01.01.1989 to 03.05.2003.

Necessary decision in this regard may be taken by the respondent within a maximum period of four months 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)

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