

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23100 of 2012

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MD. FARID ALAM S/O LATE GHARIBULLAH R/O VILLAGE-
CHARARAYA, P.S.- BIASI, DISTRICT- PURNEA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY OLD SECRETARIAT, PATNA
2. THE PRINCIPAL SECRETARY HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVERNMENT OF BIHAR, NEW SECRETARIAT, PATNA
3. THE DIRECTOR, SECONDARY EDUCATION GOVERNMENT OF BIHAR, NEW SECRETARIAT, PATNA
4. THE DEPUTY DIRECTOR, SECONDARY EDUCATION GOVERNMENT OF BIHAR, NEW SECRETARIAT, PATNA
5. THE DISTRICT EDUCATION OFFICER, PURNEA

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate
For the Respondent/s	:	Mr. S.Raza Ahmad, AAG-5
		Mr. Vishambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 12-10-2018

The issue raised in the present writ petition is no more res integra. In several cases this Court has occasion to consider the issue of approval of services of teachers of Project Schools, who was constrained to join another school due to inordinate delay in the matter of finalization of the approval of their services. This Court has occasion to consider similar issue and considering the peculiar fact of the case, directed the respondents to consider the cases of those teachers who were continuously working as Assistant Teachers in Project Schools but they joined other schools including as Panchayat Teacher and thereafter when the State



Government after the judgment of the Apex Court constituted three-men Committee for scrutiny and after scrutiny the services of other teachers were approved, the teachers who were working in the Project schools filed writ petition and consider the peculiar facts of the case, the Court granted indulgence. Reference in this connection may be made to the order dated 8.9.2015 passed by this Court in CWJC No. 14182 of 2015 (Anjali Banarjee Vs. The State of Bihar & Ors.), whereby this Court on consideration of the entire facts has held out that so long the petitioner was working erstwhile shall not be entitled to payment of salary for that period and taken back in the Project school for approval of the services. Following the decision the respondents have issued office order dated 6.6.2018 recognizing the services of said Anjali Banarjee.

Learned counsel appearing on behalf of the petitioner submits that the case of the petitioner is squarely covered by the direction in the Anjali Banarjee case.

Accordingly, the respondents are directed to examine the case of the petitioner for grant of approval of services as Assistant Teacher. The show cause notice dated 17.2.2011 shall be treated as ineffective and the respondents have to examine the claim of the petitioner for approval of services like Anjali Banarjee. The entire exercise in this regard must be take by the respondents within a



period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition is allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.10.2018
Transmission Date	

