

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.521 of 2018

In

Civil Writ Jurisdiction Case No.10766 of 2017

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Sushil Kumar @ Sushil Yadav, Son of Domi Yadav, Resident of Village-Narha, P.S.- Gamhariya, District- Madhepura. (Bihar).

... .. Appellant/s

Versus

- 1.The State of Bihar,
- 2.The Principal Secretary, Human Resources Department, New Secretariat, Patna.
- 3.The Director, Primary Education, Human Resources Department, New Secretariat, Patna.
- 4.The Deputy Director, Primary Education, Human Resources Department, New Secretariat, Patna.
- 5.The Regional Deputy Director of Education, Saharsa.
- 6.The District Education Officer, Saharsa.
7. The District Education Officer (Establishment), Saharsa
- 8.The District Education Officer, Madhepura.
- 9.The District Project Officer, (Establishment), Madhepura
- 10.The District Education Officer, (Establishment), Supaul.
- 11.The Block Education Extension Officer, Pipra, Supaul

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ratan Kumar, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-07-2018

Delay of 17 days in filing of this appeal is condoned. I.A. No. 2890 of 2018 stands allowed and disposed of.

Considering the fact that even after physical verification of the Institute under the Scheme, namely, the Bihar Elementary Schools (Taking Over and Control) Act, 1976, the



school in question was not taken over and based on a Cabinet decision of the year 1993, the decision to take over the school was rejected, the learned Writ Court has dismissed the writ petition on the ground that once school is not taken over based on the Cabinet decision, no relief for payment of salary or other benefit can be extended to the petitioner.

In our considered view, the learned Writ Court, for the reasons, as are indicated hereinabove, has not committed any error in rejecting the writ petition.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R
CAV DATE	N.A
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