

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18432 of 2017**

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1. Anju Kumari, wife of Nilesch Kumar Jain, resident of Mohalla-House No. 31, Anand Bhawan Near Pataleshwarnath Temple, P.S. Ara (Town), District- Bhojpur.
  2. Anand Kumar Sinha, son of Kiran Kumar Sinha, resident of Mohalla- Bakri, Police Station- Udwantnagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner cum Secretary, Human Resources Department, Bihar, Patna.
2. The Commissioner-cum- Secretary, Human Resources Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Superintendent of Education, Bhojpur at Ara.
5. Managing Committee through its Secretary, Sri Jain Kanya Pathshala, Middle School, Jail Road, Bhojpur at Ara.
6. The Headmistress, Sri Jain Kanya Pathashala, Middle School, Jail Road, Bhojpur at Ara.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Baxi S.R.P.Sinha, Sr. Advocate<br>Mr. Mrigendra Pratap Singh, Advocate |
| For the Respondent/s | : | Mr. KAMESHWAR KUMAR -GP17<br>Mr. S.K.Ranjan, AC to GP-17                   |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 08-03-2018**

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The grievance of the petitioners in the present writ petition is indecisiveness of the respondents in the matter of approval of services of the petitioners.

Mr. Baxi S.R.P. Sinha, learned senior counsel appearing on behalf of the petitioners has drawn the attention of the Court to Letter No. 4918 dated 13.8.2013, as contained in Annexure-10 by



which the District Education Officer, Bhojpur, Ara informed the Incharge Headmistress of Shri Jain Kanya Madhyamik Pathshala, Bhagwan Mahavir Marg, Ara that the guideline was sought from the Director, Primary Education. He submits that the issue with regard to approval is pending at the level of the respondents and as a result of their indecisiveness, petitioners are going without salary despite the fact that they are regularly discharging the duty in accordance with the norms applicable to the minority institution.

The respondent authorities are required to decide the issue of approval of the appointment of the petitioners, one way or the other, within a reasonable time. From perusal of Annexure-10 it appears that approximately more than 4 ½ years have passed yet they have not taken any decision and the fate of the petitioners is hanging in balance. Under the aforesaid circumstances, the court see no reason to keep the writ petition pending.

The writ petition is, accordingly, disposed of with a direction to the Director, Primary Education, Respondent No. 3 to take final decision with regard to approval of the services of the petitioners in accordance with law within a maximum period of 60 days from the date of receipt/production of a copy of this order



It goes without saying that once the respondents grant approval of the services of the petitioners, consequential benefits including monetary benefit must reach to the petitioners within a period of two months from the date of such decision by the respondents.

With the aforesaid the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 13.03.2018 |
| Transmission Date |            |

