

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4609 of 2018

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Md. Sabir Ali son of Late Abul Kalam resident of village - Chowki
Makhdoom, P.S. - Barharia, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. Director, Secondary Education, Bihar, Patna.
3. Assistant Director, Secondary Education, Bihar, Patna.
4. District Education Officer, Patna.
5. District Programme Officer (Establishment), Patna.
6. Headmistress, Kedarnath Girl High School (Balika Uchch Vidyalaya),
Jakkanpur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bawari Sharma & Mr. Shiv Kumar
For the Respondent/s : Mr. Arvind Kumar Singh, AC to GP 20

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-11-2018 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

Mr. Sharma, learned Counsel appearing on behalf of
the petitioner, submits that the office order dated 4.1.2018 was
initially challenged whereby certain periods have been treated as
extra ordinary leave.

In respect of the periods other than the period between
6.6.2014 to 13.5.2016 he does not dispute the decision of the
authority under the office order dated 4.1.2018.

With respect to 708 days between 6.6.2014 to
13.5.2016, he submits that though he had submitted his joining



on 5.6.2014 before the Headmaster but he was not allowed to resume his duties after his treatment for some illness at Hyderabad. In the circumstances on the very next day i.e. on 6.6.2014 he approached the District Education Officer, Patna informing him of the said development. He has brought to the notice of the authorities that in the light of the certificate his joining was not being accepted by the Headmaster.

It is his submission that the petitioner has submitted his joining, he has been denied regularisation of the said period for the purpose of payment of arrears of salary for the said period without any basis and without considering the petitioner's plea based on the communication dated 6.6.2014.

The decision to treat the period of 708 days as extra ordinary leave is sought to be sustained on the basis of one prescription dated 8.2.2015 which has been enclosed as Annexure C to the counter affidavit. Clearly the authorities have not applied their mind to the claim of the petitioner and without any basis entire period of 708 days has been treated as extra ordinary leave. The order dated 4.1.2018 issued by the District Programme Officer (Establishment) Patna bearing memo No. 91 in so far as it relates to the period 6.6.2014 to 13.5.2016 is therefore quashed as being without any basis.



Let the District Programme Officer (Establishment), Patna afford opportunity to the petitioner to place reliance on the various documents to show that he had submitted his joining and that he is entitled to regularisation of the period between 6.6.2014 to 13.5.2016. The petitioner should place all the documents in support of his claim before the District Programme Officer within a period of four weeks. In the event the petitioner makes such an application, respondent No. 5 District Programme Officer (Establishment) Patna would be obliged to dispose of his application and take a final decision regarding regularization of the period and consequential benefits within a period of eight weeks thereafter in accordance with law and by a reasoned and speaking order.

The writ petition stands disposed of.

(Madhuresh Prasad, J.)

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