

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7814 of 2019

=====

Sunita Kumari, D/o Mahavir Yadav, Resident of Village- Sevai, P.S.- Barachatti, District- Gaya, Presently posted as Assistant Teacher Economics (Trained) in Project Girls School, Barachatti, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, New Secretariat Vikas Bhawan, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan Patna.
3. The Director (Secondary Education), Department of Education, Bihar Secondary Education Office, Budh Marg, Patna.
4. The District Education Officer, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma

For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-08-2019 Heard learned counsel for the petitioner and the respondents.

The claim of the petitioner was rejected on the ground that the petitioner was appointed after the cut off date i.e. 04.02.1989.

The cut off date i.e. 04.02.1989 is relatable to a situation where the State Government has considered the factual selection of the school under Project Scheme. The School, in question, was taken over on 24.06.2008 and as such for the purpose of considering the case of the petitioner, the cut off date would be 24.06.2008.]



Similar issue was considered by this Court vide oral judgment dated 14.09.2018 in C.W.J.C. No. 17284 of 2011 and analogous cases.

Considering the decision passed in C.W.J.C. No. 17284 of 2011 and analogous cases, the present writ application is disposed of with a direction to the respondents to consider the case of the petitioner treating the cut off date as 24.06.2008.

In the event, the petitioner was appointed against the available vacancy before the cut off date i.e. 2008, the respondents shall consider her case for approval of service in the school in question.

Necessary decision in this regard must be taken by the respondents 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)

uday/-

U			
---	--	--	--

