

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9942 of 2019

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Arun Kumar Singh S/o Late Vishwamitra Singh Resident of Baripahari,P.O.
and P.S. Sohsarai,Bihar Sheriff,Dist.-Nalanda Petitioner/s

Versus

1. State of Bihar through the Principal Secretary,Human Resources Development Department,Govt. of Bihar,Patna
2. Director(Primary Education) Human Resources Development Department,Govt. of Bihar,Patna
3. District Education Officer, Nalanda District at Bihar Sheriff
4. Sri Kabir Keshav Middle School, Navadiha,through its Principal P.O. Dhurgaon,P.S. Hilsa,Dist.-Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.K.M.Joseph
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-05-2019 The present writ petition has been filed for directing the respondents to approve the appointment of the petitioner with effect from 20.12.2011 as Assistant Teacher in the Minority School Sri Kabir Keshav Middle School, Navdiha and sanction payment of the arrears of salary as well as current salary without any delay.

The short facts of the case are that the petitioner was appointed vide letter dated 20.12.2011, whereafter he had submitted his joining on 22.12.2011, however, no action was taken by the State-respondents despite his case being forwarded by the Principal for approval of his appointment to the District Education Officer, Nalanda. However, subsequently, by a letter dated 5.12.2015, the District Education Officer, Nalanda had communicated to the Principal of the school in question that since



there was a ban on appointment of Assistant Teachers in aided elementary schools managed by the Managing Committee, the District Education Officer, Nalanda was not able to process the request.

The learned counsel for the petitioner has submitted that it is a well settled law that right to establish and administer educational institutions is valuable fundamental right of minority institutions under Article 30(1) of the Constitution of India and that cannot be negated by the State action.

Per contra, the learned counsel for the State submits that appropriate direction be issued by this Court, whereupon a final decision with regard to approval of the services of the petitioner shall be taken, subject to availability of vacant post.

Having regard to the facts and circumstances of the case, the present writ petition is disposed of with a direction to the respondent no. 2 to take appropriate decision with regard to the approval of the services of the petitioner as Assistant Teacher on available vacant post within a period of eight weeks from the date of receipt / production of a copy of this order.

(Mohit Kumar Shah, J)

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