

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3824 of 2017

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Mojibul Haque, Son of Late Lal Mohammad, Resident of Kutub Chapra, P.O. Bakarganji, Gopalpur, P.S. Hussainiganj, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Secondary Education, Education Department, Government of Bihar, Budh Marg, Patna
4. The District Education Officer, Siwan
5. The Staff Selection Commission through its Secretary, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Advocate
		Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr. Sunil Kumar, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 09-07-2019 Heard learned counsel for the petitioner and the respondents.

2. The present writ application has been filed by the petitioner for quashing of order dated 05.12.2016 issued by the Director, Secondary Education, Government of Bihar, Patna whereby the claim of the petitioner for approval of his service has been rejected.

3. Mr. Tej Bahadur Singh, learned senior counsel for the petitioner submits that the petitioner has received salary up to September, 1999 and thereafter his salary was stopped.



4. Now he has filed this writ application with a claim for approval of service and consequential relief after the same was rejected by the Director, vide order as contained in Annexure-1. The Director, Secondary Education vide order dated 05.12.2016 has taken note of the decision of this Court in the case of Zainul Haque Vs. State of Bihar & Ors (C.W.J.C. No. 17105 of 2007). In the writ application of Zainul Haque, the writ Court has allowed the writ application on the ground that he is the only teacher in the classical subject in Daud Memorial Urdu Girls High School, Siwan.

5. The petitioner in the present writ application has claimed that he is the only teacher in classical subject and as such he is entitled to approval of service.

6. Mr. Singh submitted that in terms of staffing pattern the petitioner is entitled for consideration of his case on the post of Arabi teacher, which is falling in the staffing pattern. Arabi is one of the classical subject and in a school only one post of classical teacher and the case of one Zainul Haque was accepted as only teacher in classical subject in the school, the Court does not find any substance in the claim of this petitioner. There is only one post of classical teacher either in the Urdu and Persian and in Arabi and there cannot be two posts in the school,



in question. Accordingly, the submission of Mr. Singh is devoid of merit.

7. Considering the order passed in the case of Zainul Haque on 05.04.2012 (C.W.J.C. No. 17105 of 2007), the Court is of the view that the Director, Secondary Education, has committed no error in rejecting the claim of the petitioner in the matter of refusing approval of service of this petitioner, as only one post was available in the classical subject in the school, in question, and against that post the case of Zainul Haque was accepted by the writ Court, which has attained finality.

8. The Court under the aforesaid circumstances is not inclined to accept the claim of the petitioner for approval of his service, as a teacher in the school.

9. Accordingly, the writ application is devoid of merit and the same is dismissed.

(Anil Kumar Upadhyay, J)

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