

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15275 of 2019

=====

Choudhary Md. Zafar @ Md. Zafar Son of Late Choudhary Md. Fatah @ Md. Fatah Resident of ward no.17, Lakhminia, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Education, Govt. of Bihar, Vikas Bhavan, Patna.
2. The Director Secondary Education Department of Education, Govt. of Bihar, Vikas Bhavan, Patna.
3. The District Education Officer Nalanda at Biharsharif, District- Nalanda.
4. The Secretary Chakdin High School, Asthawan, District- Nalanda.
5. The Managing Committee Chakdin High School, Asthawan, District- Nalanda.
6. The Principal Chakdin Plus 2 High School, Chakdin, District- Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Abul Kalam

For the Respondent/s : Mr.Jitendra Kumar Roy1 (Sc13)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Grievance of the petitioner in the present writ application is relaxation of the candidature on the ground of crossing age for appointment.

The issue raised in the present writ application is no more res integra.

This court has occasion to decide the same issued in the case of **S.M. Rizwan Alam vs. State of Bihar & Ors. in C.W.J.C. No. 16308 of 2014** vide oral judgment dated



26.9.2018.

Considering the aforesaid, the present application is disposed of in the same manner .

The relevant part of the order of this Court in C.W.J.C. No. 16108 of 2014 is quoted below:-

“This issue is no more res integra. This Court has occasion to decide the issue in the case of Jaashree (C.W.J.C. No. 10013 of 2013) and vide oral judgment dated 22.8.2016 a Coordinate Bench of this Court has held out that in the matter of appointment of teacher, there is n bar of age and as such the order of rejection of approval dated 10.10.2012 (Annexure-1) cannot sustain. It is, accordingly, quashed.

The respondents are directed to consider the case of the petitioner for grant of approval afresh, as there is no age bar for appointment of teacher. In the mater of deficit grant, there is only bar that no teacher is entitled to receive the payment out of deficit it grant beyond the age of superannuation.

The respondents are accordingly directed to take fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application is allowed and disposed of.



It goes without saying that respondents shall take appropriate decision with regard to payment of salary for the period the petitioner has worked.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

