

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16143 of 2019

Radha Kisun Prasad @ Radha Kishun Sah Son of Late Ram Bachan Sah
Resident of Village- Taksari, Police Station- Madhuban, District- East
Champaran, at present working as peon in Raj Kumar Prasad Ram Sawari
Devi Project Girls High School Madhuban, Police Station- Madhuban,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar The Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director Secondary Education, Education Department, Government of
Bihar, Patna.
3. The District Education Officer East Champaran at Motihari.
4. The District Programme Officer (Establishment) East Champaran at
Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Sagar Singh, Advocate
For the Respondent/s : Mr.Amit Bhushan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is aggrieved by the order dated
30.4.2019 passed by the Director, Secondary Education after the
order in CWJC No. 7457 of 2011.

Learned counsel appearing on behalf of the petitioner
would submit that the seniority of the petitioner as Class IV
employee in the school in question is not in controversy. The
junior was preferred in the matter of absorption on the post of
Peon because she was female and the dispute in question
pertains to the Girls Project School.



Mr. Ram Sagar Singh, learned counsel appearing on behalf of the petitioner would submit that now the vacancy is available in the category of Class IV employee on account of death of one Nirmala Devi on 15.06.2014 and as such the case of the petitioner may be considered for absorption against one of the two posts of Peon. The petitioner deserves sympathetic consideration.

Learned counsel appearing on behalf of the respondents admits that the petitioner is senior but the case of the petitioner was rejected on the ground that junior to the petitioner was female and the school is Girls Project School.

Considering the aforesaid, the writ petition is disposed of with a direction to the Director, Secondary Education to consider the claim of the petitioner sympathetically and if it is found that the petitioner is one of the two Peons appointed in the school in question and there exists vacancy on account of death of one of the two absorbed then appropriate order in accordance with law may be passed in relation to absorption of the petitioner notwithstanding Annexure-1 dated 30.4.2019.

(Anil Kumar Upadhyay, J)

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