

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17636 of 2019

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Suresh Prasad, Son of Ramanugrah Prasad, Resident of Village and P.O.-
Diha, P.S. Guraru Mills District- Gaya, Retired as Assistant Teacher (Civics)
in Shahdeo Singh Project Girls High School, Barun, Aurangabad , Bihar.

... .. 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, Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma, Advocate
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-08-2019 Heard Mr. Ajay Kumar Sharma, learned counsel for

the petitioner and learned counsel appearing on behalf of the

State.

2. Learned counsel for the petitioner submitted that
the action of the respondents in rejecting the claim of the
petitioner holding the appointment of the petitioner after cut off
date is misconceived.

3. Referring to letter no. 142 dated 23.02.1985 he
submits that in terms of policy decision the State Government
the case of the petitioner for absorption of service has to be
considered treating the cut off date the decision of the State



Government on the basis of factual selection of the school under the project scheme. He submitted that the school in question was taken over as project school by order of the State Government dated 24.6.2008 and as such the cut off date in relation to the school in question would be 24.6.2008 and rejecting the claim of the petitioner on the ground that the petitioner was appointed subsequent to the cut off date, is totally misconceived. The respondents have arbitrarily fixed 4.2.1989 as cut off date.

4. On consideration of the letter no. 142 dated 23.02.1985 it would be evident that policy decision was taken how to select project school in all 300 blocks and pursuant to the decision, the respondents were required to constitute a committee for scrutiny and thereafter, based on such report the District Magistrate was required to recommend for taking appropriate decision considering the aforesaid fact that only cut off date of the school in question is 24.6.2008 and not 1989.

5. In view of the above, the writ petition is allowed. The order contained in Annexure-1 is quashed. The matter is remitted to the Director, Secondary Education, Patna to examine afresh the claim of the petitioners for recognition of the service treating the cut off date as 24.6.2008 instead of 1989.



6. In the event, the vacancy was available and against the available vacancy the petitioner was appointed before 24.6.2008, the respondents have to consider the case of the petitioner for grant of approval of the service of assistant teacher in the project school.

7. Final decision in this regard may be taken by the respondent within a maximum period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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