

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13463 of 2017**

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Devendra Kumar Sah Son of Mahesh Sah, Resident of Village- Vishunpur  
Horil, P.O.- Kamalpur Bithroul, P.S.- Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The District Education Officer, East Champaran, Motihari.
5. The District Programme Education, East Champaran, Motihari.
6. The Block Education Officer, Mehsi, East Champaran, Motihari.
7. The Block Development Officer cum Secretary Teacher Appointment Unit,  
Mehsi, East Champaran, Motiha

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Madhurendra Kumar  
For the Respondent/s : Mr.Kameshwar Kumar -Gp17

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      13-02-2020                      Heard learned counsel for the petitioner and the  
  
counsel appearing on behalf of the State.

Petitioner is aggrieved by non acceptance of his  
  
joining.

In this case, counter affidavit has been filed.

Para-7 and 8 of the counter affidavit is quoted below:-

“7. That the fact is humbly and  
respectfully submitted that after completion of  
election process, the petitioner never approached  
for his joining nor filed any representation before  
the deponent. He had only made a query under RTI



to which the deponent, vide its letter No. 79 dated 10.02.2016 as contained in Annexure-4 of the writ application, has furnished the required information to the petitioner. Pursuant to the matter aforesaid the deponent, vide its letter No. 282 dated 28.05.2016 has furnished the entire information to the B.D.O., Mehsi for the needful.

8. That in view of the aforesaid facts it is stated that the joining of the petitioner was cancelled by the competent authority due to Model Code of conduct as the process of election was in force during the said period. After completion of election process, the petitioner never filed any application before the competent authority for acceptance of his joining. The petitioner ought to have been appeared before the competent authority for his joining but instead of doing the same, has opted only to gather information under the R.T.I. from the authorities.”

The petitioner has approached this Court in a situation where he was not allowed to join. Taking plea in the counter affidavit that the petitioner has not approached the respondents is difficult to eschew.

Accordingly, the respondents are hereby directed to accept the joining of the petitioner forthwith and grant all consequential benefits after accepting his joining.



In the event, any delay on the part of the respondents in accepting the joining, they shall be personally responsible for payment of salary henceforth from their own pockets.

With the aforesaid, the writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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