

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14484 of 2017

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Niranjan Kumar Jha Son of Arjun Jha, Resident of Village + P.O.-Katahara,
P.S.-Sultanganj, District-Bhagalpur.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Department of Secondary Education, Government of Bihar, Patna.
3. The Director, Department of Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Munger Division, Munger.
5. The District Magistrate, Jamui.
6. The District Education Officer, Jamui.
7. The District Programme Officer, (Establishment), Jamui.
8. The Headmaster, Project Girls High School, Khaira, District-Jamui.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Binod Kumar, Advocate
For the Respondents : Mr.Madanjeet Kumar, GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 17-02-2020

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

The petitioner has approached this Court for issuance of a direction to the respondents to regularize his service.

The petitioner was initially appointed on ad hoc basis as Mathematics Teacher by the Joint Secretary, Human Resources Development Department vide notification dated 26th of May 1988 for a period of six months in purported



exercise of its jurisdiction under Section 10(9) of the Bihar Non-Government Secondary School (Management & Control) Taking Overt Act, 1981. The said Act was applicable only to the Non-Government Secondary School. It has no application so far as the project school is concerned and appointment of the petitioner is only for a period of six months .

Learned counsel for the petitioner submits that the petitioner was allowed to work in the school in question upto 2002 but he has not been paid salary. Learned counsel further submits that if the petitioner has worked, he is entitled to payment of salary.

Learned counsel for the respondents placing reliance on paragraph 6 of the counter affidavit submits that the petitioner was paid salary for the period 05.09.1988 to 15.03.1989 and thereafter from January 1991 to December 1997 and there is no material to suggest that the petitioner had put his signature in the attendance register.

In such a situation, the Court is not inclined to grant any relief to the petitioner. However, liberty is granted to the petitioner to approach the competent authority as are otherwise available for consideration of his case for payment of salary for the period, the petitioner has actually worked. The authority



shall verify the records and on verification of the records if it is found that the petitioner was validly appointed and he has worked for the period he is claiming salary. The petitioner shall be at liberty to make available the materials to substantiate his claim that he has worked in the project school.

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

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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