

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16940 of 2017

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Kishore Kumar Jha son of Sri Ambrish Jha, Resident of Village- Chanour,
P.S.- Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Darbhanga Division,
Darbhanga.
5. The District Education Officer, Madhubani.
6. The District Education Officer, Darbhanga.
7. The Headmaster, Deshratna Dr. Rajendra Prasad Girls High School,
Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.Kameshwar Kumar - GP-17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-02-2020 Learned counsel for the petitioner submits that the

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

Similar issue was considered by this Court in CWJC No. 2157
of 2017. The relevant part of the order dated 29.03.2018 is
quoted below.

The decision of this Court
ordinarily on the reinstatement is with back
wages. However, considering the hardship
the Division Bench has made it clear that
notwithstanding the fact that the petitioners
would not be getting salary or other financial



benefit, petitioners would be entitled for continuity in service. The expression only for the purposes of post retiral benefit is clarified subsequently when the Division Bench held that the petitioners would not be entitled for any other financial benefit for the period they have remained out of service, save and except the continuity in service. While explaining the earlier part the Court consciously used the expression “save and except the continuity in service”. In view of the expression used save and except the continuity in service indicated that the continuity in service is admissible to these petitioners and in view of the above, the Court is of the view that petitioners would be entitled to the benefit of continuity in service even for the purpose of grant of Assured Career Progression Scheme and, as such, the respondents are directed to re-look the grievance of the petitioners afresh and reconsider grant of financial up-gradation under the Assured Career Progression Scheme treating the period when the petitioners were kept out of job followed by reinstatement as continuous service for the purpose of considering the length of service.

Entire exercise, in this regard, must be taken by the respondents within a maximum period of three months, from the



date of receipt/production of this order.

In the result, this application is
allowed to the extent indicated above.

In view of the discussion in the Order dated 29.03.2018,
this writ application is allowed to the extent indicated above.

(Anil Kumar Upadhyay, J)

Niraj/-

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