

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22341 of 2019

Geeta Kumari @ Geeta Devi, Wife of Tunna Prasad Resident of Pakridayal,
P.O. and P.S.- Pakridayal, District- East Champaran at Motihari (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer East Champaran.
4. The Head Master Nav Sirijit Madhya Vidhyalaya, Phoolwar, Pakridayal,
East Champaran.
5. The Executive Officer Nagar Panchayat, Pakridayal, East Champaran at
Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Respondent/s : Mr. Jai Prabhat Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-01-2020

Heard Mr. Sunil Kumar Singh, learned counsel for

the petitioner and Mr. Jai Prabhat Kishore for the State.

The petitioner is aggrieved by the fact that she

has been inducted in the service as Teacher in Nagar

Panchayat, Pakridayal, East Champaran at Motihari afresh,

when in fact, she should have been given the benefit of

her earlier appointment and should have been paid for the

period that she was on medical leave.

The petitioner was appointed as Teacher in Nagar

Panchayat in the year 2010. While serving as such, she



contracted illness and ultimately was found to be suffering from Hepatitis B which required a prolonged treatment. Leave was sought by the petitioner for getting herself treated. After the petitioner recovered, she gave her joining letter on 04.09.2013 but was not allowed to join on the ground that she had absented herself without any reason or permission for a very long time. This led the petitioner to approach this Court *vide* C.W.J.C. No. 7447 of 2017 and this Court by order dated 11.04.2018 directed for constituting a medical board to examine the relevant medical documents to ascertain whether the petitioner actually suffered from Hepatitis B at the relevant time. The Court also directed that in case she was found that she suffered from such disease, she would be considered for being inducted in service on humanitarian ground.

The medical board, which was constituted, found that the petitioner had actually suffered from Hepatitis B.



Pursuant to the direction of this Court, referred to above, the petitioner's joining was accepted but by letter dated 29.06.2018 passed by the Executive Officer, Nagar Panchayat, Pakaridayal, she was inducted as a fresh appointee with no payment for the period that she had remained on leave.

Mr. Sunil Kumar Singh, learned counsel for the petitioner submits that if the petitioner's absence was explained and the petitioner was therefore allowed to join, there was no reason why continuity in service was not accorded to her. The petitioner was also required to be paid for the period that she was on medical leave subject to the rules which would have been applicable to the case of the petitioner. Allowing the petitioner to join but treating her joining as a fresh appointment is what has aggrieved the petitioner and hence the present writ petition has been filed.

The order by which the petitioner has been allowed to join as Teacher in Nagar Panchayat, Pakridayal,



East Champaran at Motihari but only as a fresh inductee is not based on any reason whatsoever.

Under the aforesaid circumstances, the petitioner is directed to make a suitable / detailed representation before the Respondent No. 5 within a period of three weeks intimating that she is required to be given the continuity of service and is also entitled for being paid for the period that she was on medical leave, and the concerned respondent on receipt of such representation shall pass a reasoned order within a further period of eight weeks thereafter and shall intimate the petitioner about the outcome of the decision.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	29.01.2020
Transmission Date	

