

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1008 of 2019

In
Civil Writ Jurisdiction Case No.14400 of 2019

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Dr. Gopal Krishna S/o Sri Ram Prasad Gupta At and P.O.- Mansapur, P.S.-
Laukhi, District- Madhubani.

... Petitioner ... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna
2. The Director, Secondary Education, Human Resources Department, Government of Bihar, Patna
3. The Deputy Director, Secondary Education, Budh Marg, Patna.
4. The Joint Secretary, Department of Education, Govt. of Bihar, Patna.
5. The Regional Deputy Director Education, Darbhanga Division, Darbhanga.
6. The District Education Officer, Madhubani.

... Respondents ... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. Shashi Shekhar Tiwary, A.C. to AAG 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 25-02-2021

Heard the parties.

Aggrieved by the judgment and order dated 19.07.2019 passed in C.W.J.C. No.14400 of 2019 passed by learned Single Judge of this Hon'ble Court dismissing the writ petition, the appellant has preferred this LPA.

Briefly stated the facts of the case is that appellant along with others claim to have been appointed by managing committee in Babu Jee Sah Prabhu Jee Sah Kripa Nath Pathak



Project Girls High School, Mansapur, Block Laukhi, District, Madhubani. Similar claim was also made by Smt. Asha Kiran Upadhyay and others of being appointed by the managing committee of the said school and both set led their claims for their absorption in said school after same was taken over by the State Government as a project school.

In view of disputes arising out of taking over such schools as project school with respect to absorption of teaching and non-teaching staff of said school, the Apex Court in its judgment and order dated 3.1.2006 passed in Civil Appeal Nos.6226-6675 /2001 and 6676-6681/2001 directed the State government to constitute a Three - Man- Committee to examine the claims of teaching and non-teaching staffs for their absorption and the Three - Man- Committee in order to decide the rival claim invited information from said schools as well as individuals in Form I and Form II.

With respect to present school, two separate set of claims of teaching and non-teaching employees were submitted before the Three - Man- Committee. In first set, Smt. Asha Kiran Upadhyay along with 15 teachers, 1 clerk and 4 orderly submitted their claim whereas in second set, Dr. Gopal krishna along with 14 teachers, 1 clerk and 2 orderly also



submitted their claim. The Three-Man-Committee examined the rival claim of both the sets and in its recommendation to the department, rejected claim of both sets for absorption and thereafter same was examined by the department and it was found project school to be directly managed by the government and rejected the claims of absorption of teaching and non-teaching staff by departmental memo no.715 dated 26.8.2008 against which, objections were made by the aggrieved parties and after due consideration of objections of both sets, same were rejected vide memo no. 109 dated 30.4.2010.

Director, Secondary Education, Government of Bihar, Patna has in its order dated 18.03.2019 elaborately considered the rival contentions of both the parties, pursuant to direction passed by this Court and rejected claims of both the parties after meticulously examining the claim of parties from the records maintained in the department and found the school in question to be selected as project school on basis of a letter dated 3.4.1987, issued by the Joint Secretary of Education Department and, thereafter, construction of the school building was made from the funds provided by the State Government. The Three - Man- Committee also after examining the records, did not find the present school to be run by any managing



committee and also found no project report was ever submitted with respect to present school and rejected the claim of both the parties against which, present writ petition was filed by Dr. Gopal Krishna, one of the claimants which was rejected by the learned Single Judge by the order, as impugned, on the ground that the Director, Secondary Education has in detail examined the claim of appellant and the Court is not inclined to grant any indulgence to the appellant.

This Court does not find any error or infirmity in the order passed by learned Single Judge and, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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