

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.481 of 2019

In

CIVIL REVIEW No.548 of 2018

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Sri Ram Krishna Prasad Sinha Son of Late Jagdish Nandan Verma Resident of
Q. No.50B-M, Dalmianagar, P.S.-Dehri on Sone, District Rohtas (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Patna.
2. The Principal Secretary HRD, New Secretariat.
3. The Director, Secondary Education, HD, New Secretariat, Patna.
4. The District Education Officer Rohtas, Sasaram.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Sr. Advocate Mr. Ugranath Mallik, Advocate
For the Respondent/s	:	Mr. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-09-2022

Heard learned counsels for the parties.

2. In the instant Letters Patent Appeal, appellant has assailed the order of the learned single Judge dated 06.07.2018 passed in C.W.J.C No. 13505 of 2012.

3. The appellant was stated to have been appointed as a teacher in an aided institution in the year 1955, the aided institution in which he was working had an industry at Rohtas industry. The management with the consent of the appellant,



appellant services have been taken to the Rohtas industries and he has worked in the industry from 1976 till his attaining age of superannuation in the year 1997. In this backdrop, the appellant intends to return to the aided institution as a teacher. Such a relief has not been extended to him by the authorities or by this court so as to extend service and monetary benefits as if he is an aided employee of the State Government. He had certain grievances in the year 2005 which was decided leaving open certain issues. The State Government has rejected the appellant's claim relating to extending service benefits as if he has retired as a teacher in an aided institution (State Government is stated to have taken over the aided institution on 02.10.1980. It is to be noted that the appellant had cause of action on 02.10.1980, the date on which the aided institution was taken over by the State Government. The State Government while taking over the aided institution must have imposed certain conditions relating to taking over the institution along with men and material. As on 02.10.1980, appellant was not in the aided institution as he was working in the Rohtas Industries. The appellant has not questioned the condition imposed in taking over the institution on 02.10.1980. Further, he should have approached judicial forum in seeking return of his service as a



teacher in the aided institution or State Government taking over such aided institution. On the other hand, he has completed his service till age of superannuation in the Rohtas industries.

4. In the light of these facts and circumstances, the appellant could not apprise this court as to by which law his services were taken in Rohtas industries and further no provision of law has been pointed out that he had a lien in the aided institution so as to examine whether the appellant is entitled to have a lien over the teacher post in the aided institution and seeking further service benefits.

5. Even conduct of the appellant is required to be taken into consideration for examining the appellant's claim. In the year 1976 he had gone and worked in Rohtas industries till attaining the age of superannuation. He had retired in the year 1997 in the meanwhile the aforesaid aided institution was taken over by the State Government on 02.10.1980. Further he has taken 8 years to approach this court with a certain reliefs. Thereafter, once again he has filed C.W.J.C No. 13505 of 2012 in the year 2012.

6. In view of these facts and circumstances, there is no infirmity in the order of the Learned single Judge dated 06.07.2018 passed in C.W.J.C. No. 13505 of 2012.



7. Accordingly, the present Letters Patent Appeal stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Rakhi/- Shoaib

AFR/NAFR	
CAV DATE	
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