

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3685 of 2018

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Sahnawaz Ansari S/o-late Jamaluddin Ansari, Resident of Village-Kohari,
Post-Darauli, P.S.-Bhabhua, Dist.-Kaimur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, H.R.D., Govt. of Bihar.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate-Kaimur.
5. The District Education, Officer, Kaimur.
6. The District Programme Officer, Establishment, Dist-Kaimur.
7. The Block Education Officer, Bhabhua.
8. The Mukhiya, Gram Panchayat Raj Kohari, Block Bhabhua, Dist-Bhabhua.
9. The Panchayat secretary, Gram Panchayat Raj Kohari, Block Bhabhua, Dist.-Bhabhua.
10. The Headmaster Urdu Primary School Kohari, Block Bhabhua, Dist.-Bhabhua.
11. The State Appellate Authority Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey, Adv.
For the Respondent/s : Mr.Smt. Shilpa Singh- Ga12

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

8 18-07-2022

1. Heard the parties.

2. The petitioner in his petition stated that while he was working as a Shiksha Mitra, suddenly he suffered from mental disorder and he, therefore, submitted an application to the Block Education Officer, Bhabhua on 25.02.2006 with a prayer to leave for treatment to Mental Hospital,

Ranchi. He further states that he remained under treatment till 17.06.2007 and after the Doctor declared him fit he submitted his joining.

3. From perusal of the application placed on record it appears that the petitioner was in full senses and could write an application of seeking leave for treatment, going to a Mental Hospital, while he states that he is mentally unstable. If a person is not in a fit state of mind, and is suffering from a mental disorder, it is not possible for such a person to apply for leave.

4. Two medical certificates placed on record also do not inspire confidence as the concerned Doctor does not mention the treatment, which was given from 2006 to 2007 and whether he was admitted in the hospital or not. After examining the judgment passed by the State Appellate Authority, this Court is satisfied that the State Appellate Authority has considered all the said aspects and has not found favour with the petitioner. This Court does not find any reasons to differ from the findings arrived by the State Appellate Authority of the petitioner being wilfully absent. No leave is permissible for a Shiksha Mitra and he had

abandoned his job. Later on it seems that when he came to know that Shiksha Mitras are being absorbed as Panchayat Teacher, he has filed his claim as fallacious grounds.

5. The writ petition is devoid of merit and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 9

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