

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18252 of 2018

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Nandu Prasad Singh @ Nandu Singh Son of Late Arjun Singh, Resident of
Village- Malti, P.S.- Atari, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The District Magistrate, Gaya.
4. The District Education Officer, Gaya.
5. The District Programme Officer Estt., Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Niranjana Kumar, Adv. With Mr. Kumar Kishan, Adv. With Mr. Avinash Raushan, Adv.
For the Respondent/s	:	Mr. Jitendra Kr. Roy 1- Sc13 with Mr. Jai Prabhat Kishore, AC to SC-13

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 10-10-2022

1. Heard the parties.

2. The petitioner has preferred this petition with submission that he was appointed on compassionate ground as a Class-IV employee on 12.05.1987. He was convicted under Section 302 of the I.P.C. vide judgment dated 19th July 1989 and was enlarged on bail by the High Court on 20th August, 1989, whereafter, he was allowed to join the School where he continued up to 15.01.2003 and upon his conviction being upheld in Criminal Appeal, he surrendered on 18th January, 2003.

3. Learned counsel submits that after being released

from judicial custody on 03.06.2017, the petitioner again submitted his joining which was not accepted by the authorities and he prays for directing the respondents to release all consequential benefits and statutory interest and also pension for the said period.

4. I have considered the submissions, the petitioner having been convicted for offence under Section 302 I.P.C. by the 2nd Additional Sessions Judge, Gaya, could not have been allowed to join in the School upon being released on bail by the High Court, as the Court has only suspended the sentence and the conviction remains enforced. Convicted person cannot be allowed to continue to perform duties. Such fact of allowing the petitioner to join duties is also not proved from any document on record.

5. Even otherwise, the conviction was upheld by the High Court and, therefore, the petitioner cannot be said to be entitled to receive any service benefits. He would have to be treated as being dismissed from service.

6. Learned counsel has also taken this Court to the order passed by the High Court in a writ petition preferred by him bearing C.W.J.C. No. 4286 of 1998, dated 21st July, 1999, wherein he has pleaded for claiming appointment on Class-III

post on compassionate ground. Learned counsel submits that the directions were issued to consider his case at the relevant time.

7. The Judgment placed on record, does not show that the petitioner ever represented and pointed out that he has been convicted in a criminal case on 21.07.1990. The petitioner already stood convicted for offence under Section 302 of the I.P.C. Had this Court been informed about the said fact, in the opinion of this Court, no directions for consideration would have been passed.

8. Be that as it may, the observations made by the Court are merely directory and do not give any benefit to the petitioner.

9. Keeping in view, the provisions of Article 311 of the Constitution of India and, therefore, the claim raised by the petitioner is without force.

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

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 20

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