

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16436 of 2022

Sanjay Kumar S/O- Nand Kishore Sharma Resident of Village and P.O.-
Kawalpura, P.S. and Block- Paroo, District- Muzaffarpur, State- Bihar, Pin-
843101

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The District Magistrate, Muzaffarpur, Bihar.
4. The Director, Secondary Education, Education Department, Bihar, Patna.
5. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
6. The District Education Officer, District- Muzaffarpur.
7. The District Education Officer, District- West Champaran.
8. The Principal, Primary Teacher Training College, Balmikinagar, District-
West Champaran.
9. The State Appellate Authority, Education Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Adv.
For the Respondent/s : Mr. Prabhakar Jha (GP 27)

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

ORAL ORDER

- 2 02-12-2022 1. The petitioner in terms of the directions of this Court filed an appeal before the State Appellate Authority challenging the respondent's action in not continuing his services. He claim that he was appointed on 18.06.1995 as a clerk and posted at Teachers Training College, Balmiki Nagar but he was returned from there as there was no vacancy available. Thereafter, he was posted at SDO Office Bettiah, but he was not allowed to mark attendance. He preferred a writ



petition in 2016 before this Court where the Court directed the respondent to consider his representation. The Director, Secondary Education rejected his representation whereafter he preferred an appeal before the Principal Secretary who also rejected the prayer of the petitioner. Thereafter, he again approached this High Court who directed him to file an appeal before the State Appellate Authority. The Authority examined the orders.

2. Learned counsel submits that the State Appellate Authority has fallen in an error in rejecting the claim of the petitioner and upholding the orders of the Director and the Principal Secretary. The appointment of the petitioner is genuine and he should have been allowed to continue. I have considered the submission and find that though the appointment order was in the year 1995, the petitioner has approached this Court in 2012 claiming salary. This Court finds that from 1995 till 2012, the petitioner had nowhere approached the Courts for claiming his salary. He also admits that he was never allowed to join and mark his attendance. In these circumstances, the State Appellate Authority has reached to a conclusion that the petitioner has never worked. The same is the view taken by the Director as well as by the Principal Secretary. The factual findings arrived



at by the concerned authorities cannot be said to be in any manner perverse and therefore need not be interfered with by this Court.

3. The writ petition is wholly mis-concieved and is accordingly dismissed.

4. The order passed by the State Appellate Authority is upheld.

5. No cost.

(Sanjeev Prakash Sharma, J)

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