

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2877 of 2020

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Anil Kumar Prasad S/o Late Jagannath Sah @ Late Jagannath Prasad, R/o Village- Marwa, Basahiya @ Basahiyon, P.O.- Sonbarsa (via Dumarshan Bangra), PS- Panapur, District- Saran- 841410.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. District Compassionate Committee, Saran through the District- Magistrate-cum-Collector, Saran.
3. District Magistrate-Cum-Collector, Saran.
4. District Education Officer, Saran.
5. District Programme Officer, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Ms. Ritika Roy, Advocate Mr. Amit Narayan, Advocate Ms. Nirmala Kumari, Advocate
For the State	:	Mr. Madhaw Prasad Yadav, GP-23 Mr. Sanjay Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-12-2023 Learned counsel for the petitioner and learned counsel
for the State are present.

2. The present writ petition has been filed for quashing the part of office order dated 31.08.2019 contained in Memo No.2274 (Annexure 6) passed by the District Programme Officer, Establishment, Saran, who refused to regularize the petitioner's services on regular pay scale of teacher in terms of adjudication made by the Hon'ble Supreme Court of India in the case of **Vishwanath Pandey v. State of Bihar** reported in **2013**



(3) PLJR (SC) 305. The further prayer has been made that the case of the petitioner is covered matter and under the provision of Section 4(C) of the Bihar State Litigation Policy, 2011 is permitted to be binding to settle the claim of the petitioner.

3. Counsel for the State further submits that during the pendency of the writ petition, the grievance of the petitioner has been settled vide order dated 14.09.2023 passed in the present case and vide departmental resolution No.216 dated 24.02.2023 the claim of the petitioner has been reconsidered by the District Education Officer (Establishment), Saran and appointed the petitioner as regular teacher in the pay scale of Rs.35400-112400/- Level-06 and posted in Middle School Eshoruli, Maraura, Saran vide Memo NO.1168 dated 27.09.2023, annexed as Annexure A to the counter affidavit.

4. In the background of the statement made in the counter affidavit annexed as Annexure A, it transpired to this Court that the grievance of the petitioner has been settled.

5. Counsel for the petitioner raised objection that the relief granted to the petitioner may be granted from the date of 03.04.2019, but it transpires to this Court that no such relief has been demanded in the writ petition.

6. In this view of the matter, this writ petition is



disposed of granting liberty to the petitioner that if the said order has not been passed in true spirit in the case of **Vishwanath Pandey v. State of Bihar** reported in **2013 (3) PLJR (SC) 305**, then the petitioner shall be at liberty to raise the claim further by way of filing the fresh grievances under the Bihar Government Servant Grievance Redressal Rules, 2019 before the competent authority.

(Dr. Anshuman, J)

Narendra/-

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