

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1260 of 2022

1. The Navodaya Vidyalaya Samiti (NVS) through the Commissioner, Navodaya Vidyalaya Samiti, Department of School Education and Literacy, Ministry of Education, Government of India, B- 15, Institutional Area, Sector - 62, Noida, District - Gautam Budh Nagar - 201309 (UP).
2. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Department of School Education and Literacy, Ministry of Education, Government of India, regional Office, Karpuri Thakur Sadan, Kendriya Karyalay Parisar, Block - A and B, 5th Floor, Ashiyana Digha Road, Patna - 800025 (Bihar).
3. The Principal, Jawahar Navodaya Vidyalaya, District - Darbhanga - 847337 (Bihar).

... .. Petitioner/s

Versus

Sunil Kumar Singh Son of Sri Ganga Dayal Singh, Post Graduate Teacher (History), Jawahar Navodaya Vidyalaya, Brindawan, West Champaran, Bettiah - 845450, Resident of Habsapur Post - Sarsi, P.S.- Paliganj, District - Patna - 801110 (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. K.N. Singh, ASG assisted by Mr. Siddhartha Prasad
For the Respondent/s	:	Mr. Munna Pd Dixit, Advocate Mr. S.K. Dixit, Advocate Mr. S.K. Chaubey, Advocate Mrs. Swastika, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-08-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

*“That the instant writ petition is directed
against the order dated 21.10.2021 passed by the*



Central Administrative Tribunal, Patna Bench in Original Application No. 050/00309/2021. The petitioner further prays to quash the order dated 21.10.2021 passed by the Central Administrative Tribunal, Patna Bench in Original Application No. 050/00309/2021. The petitioner also prays for any other relief(s) that petitioner is entitled to in the facts of the case.”

3. In identical matter we have already taken a decision that the Central Administrative Tribunal has committed error. Respondent's counsel could not apprise this Court to the extent that respondent's spouse is a government teacher. On the other hand, he is relying on certain documents which were issued by the State government authorities to the extent of extending certain service and monetary benefits on par with government servant to the panchayat teacher. Even if any of the official of the State government certifies that the respondent's spouse is a government teacher that does not change the status of the respondent's spouse of a panchayat teacher as long as she is absorbed as government servant or government teacher in any education department of the State government.

4. Merely one of the government official giving certificate that respondent's spouse is government teacher, the same cannot be accepted unless and until her services were



absorbed in the Government Education Department from the Panchayat Department as a teacher.

5. Rest of the contentions are already covered by our earlier decision dated 09.01.2023 passed in C.W.J.C. No. 1221 of 2022. Accordingly, the present writ petition stands allowed while setting aside the order of the Tribunal dated 21.10.2021 passed in Original Application No. 050/00309/2021 in terms of order dated 09.01.2023 passed in C.W.J.C. No. 1221 of 2022.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2023
Transmission Date	NA

