

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6105 of 2023

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Rajeev Kamal Son of Sania Singh Resident of Village- Laxmipur, P.O.- Raily,
P.S.- N.T.P.C. Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Department of Education, Government of Bihar, Patna.
4. The District Magistrate Cum- Collector, Government, Jamui.
5. The District Programme Officer (Establishment), Government of Bihar, Jamui.
6. The District Education Officer, Government of Bihar, Jamui.
7. The Block Education Officer, Block- Gidhaur, District- Jamui.
8. The Incharge Headmaster, Akhileshwar Senior Secondary School, Ratanpur, Block- Gidhaur, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar
For the Respondent/s : Mr. Prabhakar Jha (GP27)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 30-01-2024
1. Heard learned counsel for the parties concerned.
 2. Learned counsel for the petitioner is permitted to add the Chief Executive Officer-cum-Member Secretary District Board Secondary School Appointment Unit Jamui-cum-Deputy Development Commissioner, Jamui, as party-respondent during course of the day.
 3. The petitioner was working as Librarian in Akhileshwar Senior Secondary School, Ratanpur, Jamui, and according



to the petitioner, he suffered paralysis attack on 02.01.2018.

4. Learned counsel for the petitioner submits that after paralytic attack, the petitioner got admitted in the hospital and remained under treatment and supervision of doctors at Mahi Hospital, Patna. On 09.08.2021, the petitioner became fit and got his fitness-cum-medical certificate from the doctor and submitted his joining before the District Programme Officer (Establishment), Jamui, on 10.08.2021. Learned counsel next submits that the grievance is that the joining of the petitioner is not being accepted by the respondent-authorities.
5. Learned counsel for the State submits that Rule 18 (1) (vi) of the Bihar District Board Secondary and Senior Secondary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rules, 2020, provides that medical leave upto 20 days, during calender year, on the basis of medical certificate, would be applicable and it may be accumulated upto maximum of 120 days during the whole service period, out of which, upto 90 days of medical leave may be availed during any calender year and it can be prefixed or



suffixed with casual leave. Rule 18 (1) (viii) deals with extraordinary leave, which provides that leave without pay upto 30 days during the calendar year is permissible, thereafter, the period shall be treated as breakage in service and the service shall be terminated after absence of maximum of five years.

6. Learned counsel further submits that the District Programme Officer (Establishment), Jamui, has forwarded the joining request of the petitioner before the Chief Executive Officer-cum-Member Secretary District Board Secondary School Appointment Unit Jamui-cum-Deputy Development Commissioner, Jamui, vide letter no. 542, dated 21.08.2023, to take a decision on the request of the petitioner inasmuch as he is the competent authority under the Rules.
7. Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has already submitted his joining, alongwith the relevant fitness-cum-medical certificate and joining request, has been forwarded to the Chief Executive Officer-cum-Member Secretary District Board Secondary School Appointment Unit Jamui-cum-Deputy Development



Commissioner, Jamui, as such, I feel expedient to direct the Chief Executive Officer-cum-Member Secretary District Board Secondary School Appointment Unit Jamui-cum-Deputy Development Commissioner, Jamui, to take a decision on the joining request of the petitioner in accordance with law within a period of three weeks from the receipt/production of the copy of this order.

8. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

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