

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18992 of 2010

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JAI KUMAR PANDEY S/O Late Sri Rajendra Pandey Vill.-Jankinagar, P.O. Gorkha, P.S. Gorkha, Distt.-Chapra Saran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Deputy Director, Secondary Education, Bihar, Patna.
5. The District Superintendent Of Education, Saran Chapra.
6. The Principal, Ramwanti Nandrani Girls High School, Aphar, Saran.
7. Nagendra Mishra S/O Ram Pravesh Mishra Vill.-Umarpur, P.S.Bheldi, P.O.Paiga, Distt.-Saran Chapra, At Present Assistant Techer Ramwanti Nandrani Project Girls High School, Aphar Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nawal Kishor Singh
For the Respondent/s	:	Mr. S.D. Yadav, AAG 9
		Mr. B.B. Mishra, AC to AAG 9
For the Respondent-7	:	Mr. Binay Kant Mani Tripathi

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 20-06-2024

1. The petitioner has filed the present writ application for recognition of his services as “Assistant Teacher” in Project School in the subject of Sanskrit at Ramwanti Nandvani Projects Girls High School, Aphar, Saran. The services of the petitioner has not been recognized / regularized in the Project School on the ground of unavailability of post as would be evident from Annexure-2. The services of the private respondent no. 7 as Untrained Assistant Teacher in the subject of Sanskrit



was recognized / regularized *vide* order contained in Memo No. 383P dated 24.06.2008. The petitioner has prayed for quashing of both the orders, contained in Annexures- 1 & 2, with further direction to recognize the services of the petitioner.

2. As per the case of the petitioner, the Project School in question was established in January, 1983 and the petitioner was appointed as Untrained Assistant Teacher in the subject of Sanskrit on 02.01.1986. The said School was taken over by the State Government on 07.04.1986 as Project School for the financial year 1984-85. The Managing Committee of the School in the meeting held on 20.04.1986 approved the appointment of the petitioner from the date of his initial joining i.e. 02.01.1986.

3. With regard to the dispute of taking over / regularization / absorption of the teachers of the Project School which were taken over in the year 1984-85 several writ petitions were filed which were heard by a Full Bench of this Court in the case of Project Uchcha Vidyalaya Shikshak Sangh *versus* The State of Bihar & Ors. reported in 2000(1) PLJR 287 and the matter finally travelled up to the Hon'ble Apex Court wherein the Apex Court in the judgment reported in 2006(1) PLJR 483 (SC) by order dated 03.01.2006 directed the respondents to constitute a Screening Committee and get screened the individual cases of



the teachers of the Schools taken over as Project School for the financial year 1984-85.

4. A Three Men Committee was formed on 09.03.2006 and through a press communique claims were invited from the individual teachers in prescribed proforma. The Committee considered the case of the petitioner and others and found that in the said School, against one sanctioned post of Sanskrit; two persons were appointed by the Managing Committee. The Three Men Committee vide its report recommended for approval of the services of the private respondent no. 7 as he was senior in age to the petitioner. The name of petitioner was not recommended as no sanctioned post was available.

5. The contention of learned counsel for the petitioner is that one post was sanctioned by the State Government and the petitioner was the first person who was appointed against the said post, whereas the private respondent no. 7 was appointed as untrained Assistant Teacher after the appointment of the petitioner. The respondent no. 7 never taught Sanskrit, rather he used to teach Hindi subject.

6. I have heard learned counsel for the parties. From perusal of the report of the Three Men Committee it is evident that both the petitioner and the respondent no. 7 were appointed



on the same day and were having the same qualification. The respondent no. 7 was two years older in age to the petitioner and was teaching both subjects i.e. Sanskrit as well as Hindi, as such, the Three Men Committee recommended the name of respondent no. 7 for recognition / regularization of services.

7. On the date of hearing of this petition, the petitioner has attained the age of sixty four years and the respondent no. 7 is sixty six years of age and both of them have retired.

8. In view of the fact that the respondent no. 7 has already retired way back at the age of 58/60 years and the petitioner has also crossed the age of superannuation, as such, no relief can be granted at this stage.

9. Accordingly, this writ application is dismissed.

(Anil Kumar Sinha, J)

praful/-AFR

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	28-06-2024
Transmission Date	N.A.

