

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19910 of 2016

1. Sanket Kumar Gupta, S/o Pawan Prasad Gupta resident of Main Road, Ward No. 10, P.O. - Khagaria, P.S. - Khagaria, District - Khagaria.
2. Pranav Kumar S/o Sudhanshu Kumar resident of Gayatri Nagar, Ward No. 6, P.O. - Khagaria, P.S. - Khagaria, District - Khagaria.
3. Shailesh Kumar S/o Mandleshwar Choudhary resident of Chitragupta Nagar, P.O. - Khagaria, P.S. - Khagaria, District - Khagaria.
4. Dhananjay Kumar S/o Late Girdhari Pandit resident of Jai Prakash Nagar, P.O. - Khagaria, P.S. - Khagaria, District - Khagaria.
5. Vijay Kumar S/o Late Parmeshwar Prasad Sah resident of mohalla/gram - Hajipur, Ward No. 17, P.O. - Khagaria, P.S. - Khagaria, District - Khagaria.
6. Md. Merazul Haq Shamsi S/o Atiul Haq Shamsi resident of mohalla/gram - Jalkaura, P.O. - Jalkaura, P.S. - Gangour, District - Khagaria.
7. Kavita Sah D/o S.P. Sah resident of Mohalla/Gram - Hajipur, P.O. - Khagaria, P.S. - Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director Madhyamik Siksha, Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Khagaria.
5. The District Education Officer, Khagaria.
6. The District Programme Officer Establishment, Khagaria.
7. The Arya Kanya Uchha Vidyalaya through its Managing Committee having its office at Arya Samaj Road,
8. The Secretary, Managing Committee of Arya Kanya Uchha Vidyalaya, Arya Samaj Road, Khagaria.
9. The Incharge Principal, Arya Kanya Uchha Vidyalaya, Arya Samaj Road, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Siddhartha Prasad
For the State	:	Mr.Madhaw Pd. Yadav- GP 23
		Ms. Meera Singh, AC to GP 23
For respondent no. 6-7	:	Mr. Sumit Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 13-08-2024 1. Heard learned Counsel for the parties concerned.



2. The petitioners approached this Court being aggrieved by the action of the respondent authorities by which the salary of the petitioners was stopped.
3. The petitioners were appointed by the Managing Committee of Arya Kanya Uchcha Vidyalaya, Khagaria, minority aided school, in the year 2009. According to the petitioners, they were paid their salary from 2009 to August, 2015 and thereafter their salary has been stopped.
4. Learned Counsel for the petitioners submits that the Education Department constituted a Three-Men Committee for verifying the legality and otherwise of the appointment made by the Governing Body of the School, in question. From perusal of the report of the Committee (Annexure 24), dated 28.04.2017, it will be evident that the petitioners have been found to be working against the 13 sanctioned posts in the said school. The appointment of petitioner no. 3, namely, Shailesh Kumar, has been approved by the Director, Secondary Education, Education Department, vide Memo No. 1440, dated 03.11.2018.
5. Learned Counsel for the State submits that the petitioners have been found working on the unsanctioned post.



6. In view of the aforesaid, this writ application is disposed with liberty to the petitioners to file a representation before the Director, Secondary Education, Education Department, Government of Bihar, along with the relevant documents and the letter by which the service of the similarly situated person (petitioner no. 3) has been approved, within a period of four weeks from today.
7. If such a representation is filed, the Director shall be obliged to dispose the same by a reasoned and speaking order within a period of three months from the date of filing of the representation.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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