

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11893 of 2023

1. Deo Narayan Pathak son of Gauri Shankar Pathak, Resident of Village-Mahadeva Nai Basti, P.s. Siwan Town, District-Siwan.
2. Indu Kumari, Wife of Late Ramaiya Prasad Sinha @ Rameshwar Nath Srivastava, Resident of Village-Mubarakpur, P.S.-Chainpur, District-Siwan.
3. Lalita Kumari, Wife of Late Anirudh Prasad, Resident of Village-Laxmipur, P.S.-Siwan Town, District-Siwan.
4. Ramayan Yadav, Son of Late Bharat Yadav, Resident of Village-Lohganjar, P.S.-Darauli, District-Siwan.
5. Jai Prakash Singh, son of Ram Kailash Singh, Resident of Village-Baghauna, P.S.-Siswan, District-Siwan.
6. Brajesh Kumar Mishra, Son of Ramayan Mishra, Resident of Village-Pipra, P.s.-Raghunathpur, District-Siwan.
7. Bishwambhar Nath Dubey, Son of Bindhyachal Dubey, Resident of Village-Panjwar, P.s.-Raghunathpur, District-Siwan.
8. Chhotan Ray, son of Late Bishwanath Ray, Resident of Village-Panjwar, P.s.-Raghunathpur, District-Siwan.
9. Ram Pravesh Singh, son of Dharmnath Singh, Resident of Village-Panjwar, P.s.-Raghunathpur, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director, Secondary Education, Budh Marg, Patna (Bihar).
4. The Regional Deputy Director of Education, Saran at Chapra.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment), Siwan.
7. The Headmistress, Kasturba Project Girls High School, Panjwar, Raghunathpur, District-Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra
For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp 23)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-12-2024

Heard learned counsel for the petitioners and learned



counsel for the respondent/State.

2. This writ application has been filed for following reliefs:-

“(i) For issuance of appropriate writ/writs in the nature of mandamus directing/commanding the concerned Respondents to approve the services of the petitioners on notional basis with effect from the actual dates of their appointments or from the date of the selection of the School by the Three Man Committee headed by the District Magistrate, Siwan i.e. from 23.02.1985 whichever is later till 01.01.1989 in order to facilitate them for grant of their respective A.C.Ps/ M.A.C.Ps. as has been granted to the similarly situated persons of other similar Project Girls High Schools.

(ii) For further direction upon the concerned Respondents to grant the petitioners the benefits of ACPs/MACPs after granting them the approval of their services on notional basis with effect from their actual date of appointments or from the date of the selection of the School by Three Men Committee headed by the District Magistrate, Siwan i.e. with effect from 23.02.1985 whichever is later till 01.01.1989 as the petitioners services have been approved in general with effect from 01.01.1989 with full salary as required.

(iii) Any other relief/reliefs, for which petitioners are entitled for in the facts and circumstances of the case.”

3. From the pleadings, it appears that petitioners have already filed representation before the Director, Secondary Education, Patna (Respondent no. 3) on 08.02.2023 regarding their claim for change of date of approval of their services.



4.Considering the aforesaid facts and circumstances, the writ petition is disposed of granting liberty to petitioners to file fresh representation before the respondent no. 3 annexing all the supporting documents within a period of four weeks from today.

5. If such representation is filed within stipulated time, the concerned respondent(s) shall examine the same and pass a reasoned & speaking order after hearing the parties in accordance with law within a period of ten weeks from the date of filing of such representation.

6. With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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