

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.28 of 2020

Quazi Mohammad Ali Jinnah Son of late Quazi Shamimuddin, Resident and P.O. Barahpura, Police Station- Ishakchak, District- Bhagalpur, Presently Working as P.G.T. Teacher, Botany Inter Level Muslim High School, Bhagalpur. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
3. The Director Secondary, Human Resources Department, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
4. The Deputy Secretary, Human Resources Department, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
5. The District Education Officer, Bhagalpur, District- Bhagalpur.
6. The Secretariat, Managing Committee, Inter Level Muslim High School (Minority), Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Ajit Kumar Singh, Advocate Mr. Avinash Kumar, Advocate
For the State	:	Mrs. Abhanjalli, Advocate
For the respondent no.6	:	Mr. Arvind Kumar Pradhan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 30-04-2024

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the respondent no.6.

2. The present writ application has been filed for the
following reliefs:-

*1. For issuance of a writ of certiorari or
any other appropriate writ order or direction
for quashing the letter dated 27.08.2019
contained in memo no.960 issued by the
Respondent no.3 The Director Secondary,*



Human Resources Department, Govt. of Bihar by which he has most arbitrarily and quite erroneously refused to approval of the petitioner's service on the post P.G.T. Botany Teacher in the Inter Level Muslim High School (Minority), Tatarpur, Bhagalpur on wrong consideration of law.

II. For issuance of writ in the nature of mandamus directing and commanding the respondents authorities of Human Resources Department, Government of Bihar to give the approval of the services of the petitioner from on the post of P.G.T. Teacher Botany from the date of his appointment i.e. 14.05.2012 in the Inter Level Muslim High School (Minority), Tatarpur, Bhagalpur, on the post of P.G.T. Teacher-Botany. On getting appointment letter from the competent authority i.e. the Secretary of the Managing Committee of the School who is the appointing authority and has appointed the petitioner after adopting all the formality as requires under law for appointment. And further directing the respondent authority to pay forthwith the entire accumulated emoluments with perks etc. from the date of his joining up-to date and continue to pay regular monthly salary as the petitioner is continuously working attending the school and honestly doing his daily duties to the full knowledge of the authority of the school as



well as to the Human Resources Department.

And any other writ, direction and order for

which the petitioners are locally entitled to.”

3. It is contended on behalf of the petitioner that Inter Level Muslim High School, Bhagalpur (hereinafter referred to as ‘the school’) is a registered minority institution run by the Management Committee. Till 2008, only class 10th level course were teaching in the school. In the year, 2009, the school was upgraded from 10th Level to Inter level for providing higher education to the students.

4. It is further contended that on 17.03.2011, the Secretary of the Managing Committee of Inter Level Muslim High School, Tatarpur, Bhagalpur for better and smooth functioning of Inter Level School advertised the vacancy for appointment on the post of Post Graduate Trained Teachers (hereinafter referred as ‘PGT Teacher’) for different subjects and on post for Librarian through in two daily newspaper namely Hindustan and Qaumi Tanzim, Patna dated 17.03.2011, inviting applications from the deserving candidates.

5. It is further contended that in pursuance of the above noted advertisement, the petitioner, having qualification of M.Sc. and B.Ed., applied for the post of PGT Teacher of Botany for which as per the advertisement the date of interview was



fixed on 08.05.2011 in the premises of the school. The petitioner on fixed date and place appeared before the Interview Board and faced the interview written and oral before the expert of the subject. The expert, namely, Md. Abdus Salam, who took interview, sent his report to the Selection Committee, which, on considering the entire fact selected the petitioner for appointment as teacher in the subject of Botany and on the recommendation and decision of the Selection Committee, the Managing Committee of the school appointed the petitioner on the post of PGT Teacher (Botany) and issued appointment letter vide letter no.MHS dated 14.05.2012. After receipt of the appointment letter, the petitioner joined the post on 15.05.2012 and from the date of joining till date working on the same post in the school to the knowledge of all the concerned authority of the department.

6. It is further contended that by letter no.191/2012 dated 27.06.2012, the Secretary, Managing Committee, Inter Level Muslim High School, Bhagalpur sent a letter along with other relevant documents to Director, Secretary Education, Education Department (the then Human Resources Development Department) Government of Bihar, Patna through the District Education Officer, Bhagalpur for granting approval to the post



of Botany PGT Teacher on which petitioner was appointed.

7. It is further contended that vide letter no.216/2012 dated 25.08.2012, the Principal Inter Level Muslim High School, Bhagalpur sent a letter to Director, Secondary Education, Education Department, Bihar, Patna through the District Education officer, Bhagalpur for granting approval to all 12 PGT teachers of different subjects, who were appointed by the Managing Committee, for teaching in Inter Level Muslim High School, Bhagalpur in which petitioner's name is mentioned at serial no.10 as a Botany Teacher.

8. It is further contended that vide reference no.22/2013 dated 16.02.2013, the Principal, Inter Level Muslim High School, Bhagalpur sent reminder to the District Education Officer, Bhagalpur for approval of teachers who have been appointed by the Managing Committee, Inter Level Muslim High School, Bhagalpur.

9. It is further contended that the Managing Committee of the School has also sent several letters vide letter dated 27.06.2012, 25.08.2012 and 16.02.2013 to the Director, Secondary Education, Bihar, Patna and the District Education Officer, Bhagalpur for approval of the appointment of the petitioner along with others who have been duly appointed by the



Managing Committee but as yet the same are pending before the authority, whereas 14 posts have already been allotted/sanctioned by the concerned respondent authorities including the post of Botany Teacher upon which the petitioner was duly appointed and working since, 2012.

10. It is lastly contended that similarly situated teachers of another school, whose services have not been approved, moved before this Court by filing C.W.J.C. No.12499 of 2014 and this Court vide order dated 10.09.2015 directed the Director, Secondary Education, Bihar, Patna to take a decision of approval within a period of eight weeks from the date of production of the order.

11. A counter affidavit has been filed on behalf of respondent no.6, in which *inter alia* it is stated that after following due procedure the petitioner was selected and gave his joining on 15.05.2012 in the said school. It is further stated that the petitioner has earlier approached this Court vide C.W.J.C. No.12728 of 2016 for approval of his service and this Court directed to file a representation before respondent no.3 and the respondent no.3 was directed to pass appropriate order and the impugned order was passed. It is further stated that the department vide letter no.191/2012 dated 27.06.2012 sent a



letter along with other relevant document to Director, Secondary Education, Patna (respondent no.3) through the District Education Officer, Bhagalpur for granting approval to the post of Botany P.G.T. on which the petitioner was appointed.

12. Having heard learned counsel for the parties and the materials available on record, in the interest of justice, I deem it proper to direct the petitioner to file a representation along with all supporting documents and judgments, in support of his claim, before the Director, Human Resources Department, Govt. of Bihar (respondent no.3) within a period of two weeks from today and the respondent no.3 is well advised to pass a reasoned and speaking order within eight weeks thereafter, especially considering the fact that the petitioner is working since 2012 on the said post.

13. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.05.2024
Transmission Date	N/A

