

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.508 of 2020

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Mukesh Kumar Thakur Son of Ramshish Thakur Resident of Village- Gaura,
P.S.- Bihiya, District- Bhojpur, (Arah).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Director (Middle) Education Department Bihar, Patna.
3. The District Collector Bhojpur Arah.
4. The District Education Officer Bhojpur Arah.
5. The Deputy Development Commissioner cum- Secretary District Board
Cum- Chief Executive Officer Bhojpur Arah.
6. Additional Chief Executive Officer District Board Bhojpur Arah.
7. The District Program Officer (Establishment), Bhojpur Arah.
8. The Block Education Officer Bhojpur Arah.
9. The Principal Plus 2 High School Paharpur, Bhojpur Arah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava
For the Respondent/s	:	Mr. Madhaw Prasad Yadaw (Gp23)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 29-07-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed seeking the
following reliefs:

- (i) For issuance of a writ in the nature of Mandamus commanding and directing to the respondents to accept the joining of the petitioner on the post of teacher with effect from 17/04/2019, in the +2 High School Paharpur Bhojpur as the petitioner was joined in the light of memo no.327 dated 25/07/2015 as contained in annexure-1 to this writ petition.
- (ii) For issuance of writ in the nature of a Mandamus directing and commanding to the respondents to make the payment of salary to the petitioner with effect from 17/04/2019 and other



admissible allowance accordance with law.

(iii) To grant any other relief or reliefs for which the petitioner is entitled from the facts and circumstances of the case.

3. The present case, in brief, is that the petitioner was appointed on the post of High School teacher on grade category U.R. on the pay scale of Rs.12,000/-. The petitioner was selected as a teacher for the subject political science and was posted in the +2 School, Paharpur, accordingly the petitioner joined in the aforesaid school and started discharging his duty.

4. The petitioner was convicted under section 302/34 of the Indian Penal Code and Section 27 of the Arms Act and sentenced to undergo rigorous imprisonment for life, accordingly, taken into custody vide judgment and sentence dated 15.09.2017 and 18.09.2017 respectively in session trial No.185 of 2012 and 299 of 2014. On 15.09.2017, while the petitioner was taken into custody he informed the principal of +2 High School, Paharpur, Bhojpur, regarding his custody and conviction as stated above.

5. On 04.07.2018, the principal of +2 High School Bhojpur, Arah, given information to the District Education Officer, Bhojpur, Arah, regarding absent of the petitioner from the school since September 2019. The principal, +2 High



School, Bhojpur, also informed that the petitioner was under custody in Arah jail to serve the sentence of life imprisonment conviction (Annexure-2 to the writ application).

6. The petitioner was released on bail on 10.04.2019. Thereafter, on 17.04.2019 he made an application before the principal, +2 High school, Paharpur, Bhojpur, and requested to accept his joining in the school (Annexure-4 to the writ application). On 17.04.2019, itself the petitioner made an application to the Deputy Development Commissioner cum-Secretary District Board, Bhojpur, Arah, requested to accept his joining in the +2 High School Paharpur Bhojpur (Annexure-5 to the writ application).

7. A counter affidavit has been filed on behalf of the respondents no. 4, 5 and 7 in which it is stated that the petitioner has not informed the authority regarding his custody. It is further stated that the higher authorities directed to proceed against the petitioner in view of the provision contained in Clause 12 and 14 of the Appointment Rule, 2006. The joining of the petitioner was accepted on 04.07.2024.

8. Considering the facts and circumstances of the case, the concerned authority is directed to consider the joining of the petitioner from 17.04.2019 i.e. when the petitioner filed



application before the concerned authority.

9. The concerned authority is also directed to grant all the consequential benefits to the petitioner.

10. However, State is at liberty to take action in accordance with law.

11. With the aforesaid direction, the writ application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2024
Transmission Date	NA

