

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10125 of 2019

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Abhishek Prashar Son of Late Meena Devi Wife of Babunandan Singh
resident of Village- Goreyakothi, Police Station- Goreyakothi, District-
Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Secondary Education, Govt. of Bihar Budh Marg, Patna.
4. The District Education Officer, Siwan.
5. The Headmaster, Lalpari Devi Girls Balika High School, Goreyakothi, P.O. and P.S.- Goreyakothi, District- Siwan.
6. Manju Kumari, Wife of Birendra Pandey, resident of Village- Mohamadpur Patri, P.S. and District- Gopalganj.
7. Mubarak Hussain Son of alisher ahmed resident of Village- Goreyakothi, P.O. and P.S.- Goreyakothi, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh Mr. Shyama Kant Singh, Adv.
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (GP23) Mr. Sanjay Kumar, AC to GP-23
For Respondent No.7	:	Mr. Ram Sagar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

9 13-07-2026 Heard Mr. Bipin Bihari Singh, learned counsel for

the petitioner, Mr. Sanjay Kumar, learned AC to GP-23 and Mr.

Ram Sagar Singh, learned counsel representing Respondent

No.7.

2. The present writ petition has been preferred for the

following relief(s):-

*“That this is an application for
issuance of appropriate writ writ(s)*



direction(s) for quashing the office order as contained memo no. 122/2012/100P dated 19.06.2018 passed by the respondent No. 3, by which the petitioner's mother claim was rejected on the ground of non availability of sanctioned post, and further for commanding the respondents to regularize the service of petitioner mother."

3. It is the case of the petitioner that the degree in relation to 'Sangeet Prabhakar' which forms part of the writ petition as Annexure-2 Series available at page 23 was placed for consideration by the Director, Secondary Education, Government of Bihar, but the same has not been considered. From the order which is contained in Memo No. 100P dated 19.06.2018, the grounds for non consideration of the claim of the petitioner, as it appears from the deliberations made in the impugned order, goes to show that since the applicant did not produce 'Sangeet Prabhakar' degree for consideration of his claim, as such the petitioner's claim has been rejected and *inter se* seniority and consequential absorption has not been appropriately considered.

4. On the other hand, learned counsel for the State, by referring to the materials appended with the writ petition,



submits that appropriate directions may be issued to the concerned respondents to examine the validity of 'Sangeet Prabhakar', the degree which is said to have been obtained by this petitioner from 'Prayag Sangit Samiti'.

5. At this stage, Mr. Ram Sagar Singh, learned counsel for the Respondent No.7 submits that without there being any grievance as against this private respondent, still for no prudent reason he has been impleaded as party respondent in this case which fact has not been disputed by the learned counsel for the petitioner.

6. Considering the stand of the parties, this Court is of the considered view that the document which has been appended by the writ petitioner with the instant writ petition as Annexure-2 Series at page 23, since having not been considered and accordingly, this Court has no hesitation to set aside the order as contained in Memo No. 100P dated 19.06.2018, directing the Director, Secondary Education, Government of Bihar, to pass an appropriate order after considering the degree as required by the Directorate for passing the appropriate order on the claim put forth by this petitioner with regard to seniority and appropriate absorption against the post of Assistant Teacher.

7. In view of the order impugned having been set



aside, this Court directs this petitioner to place on record the ‘Sangeet Prabhakar Degree’ before the Director, Secondary Education, Government of Bihar with other supportive materials for consideration of his claim within a period of four weeks from today and once the document is placed with other relevant documents along with the instant order as well as the orders/judgments upon which the petitioner proposes to rely upon, the Director, Secondary Education, Government of Bihar will be obliged to pass a reasoned and speaking order after verifying the genuineness of the degree of ‘Sangeet Prabhakar’ and in case the petitioner’s claim is found to be genuine, appropriate necessary orders will be passed within a period of three months from date of filing of the representation by the petitioner.

(Ajit Kumar, J)

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