

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10662 of 2018

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Sudha Rani Verma Wife of Lala Shrish Kumar Sinha, An Assistant Teacher in
Project Girls High School, Khirauna, Post and P.S.- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Education, Government of Bihar,
New Secretariat Vikas Bhawan
3. The Director Secondary Education, Department of Education, Bihar
Secondary Education Office, Budh
4. The District Education Officer, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw- GP23

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

6 21-07-2026 Heard learned counsel for the petitioner and learned
counsel representing the Respondent-State.

2. The instant writ petition has been filed for the
following relief(s):-

*(i) For quashing of the order as
contained in Memo No.534(P) dated
21.07.2008 passed and issued by the
Respondent No.3 by which claim of the
petitioner for recognition of service on the
post of Teacher in the school has been
rejected, by issuing an appropriate writ and
further for issuance of an appropriate writ/
writs, direction/ directions directing the
respondents to recognize the service of the
petitioner on the post of Assistant Teacher
with effect from 01.01.1989 in project Girls*



High School, Khirauna Post and P.S.-Rahui, District-Nalanda (hereinafter referred to as 'the School') in view of the law laid down by the Full Bench of the Hon'ble Patna High Court passed in Project Uchcha Vidyalaya Shikshak Sangh and analogous matter, reported in 2000 (1) PLJR 287, which has been affirmed by the Apex Court in Civil Appeal No.6626-81 of 2001 (reported in 2006 (11))SCC 545 and further in view of the several orders passed by this Hon'ble Court in same and similar matter and to pay her salary with effect from the said dated 01.01.1989 with all consequential benefits as has been paid to others similarly situated.

Further additional relief has been added vide order dated 28.04.2026 passed in I.A. No.01 of 2019.

(ii) for amendment in prayer portion of the main writ application and further for quashing of the order as contained in Memo No.205 (P) Patna dated 05.05.2010, passed and issued by the Director (Secondary Education) Bihar Patna, by which claim of the petitioner for recognition of service on the post of Teacher in the school has been rejected on the ground the petitioner crossed the upper age limit for appointment on the post of Assistant Teacher.

3. Learned counsel for the petitioner submits that because of this petitioner, according to the Respondents being overage at the time of taking over of the project school, while the issues at hand, as per the judgment of Full Bench of this



Hon'ble Court in ***Project Uchcha Vidyalaya Shikshak Sangh*** and its analogous matter reported in ***2000 (1) PLJR 287*** and the judgment rendered by the Hon'ble Apex Court vide ***Civil Appeal No. 6626-81 of 2001 (reported in 2006 (11) SCC 545)***, having been put at rest, the said grounds were not available to the State-respondents to raise after the school was taken over by fixing an age limit and denied recognition of his services. In so far, the petitioner's age is concerned, who is said to have attained the age of 33 years at the time of taking over, the services of the petitioner was required to have been recognized, as per the judgment rendered by Full Bench of this Court in ***Project Uchcha Vidyalaya Shikshak Sangh (supra)***, which would be evident from the paragraph No.22 of the judgment of the Hon'ble Full Bench, which is reproduced hereinbelow:

“22. That apart, this cannot be denied that at the time of initial appointment of these petitioners, there was no statutory rule or circular to prescribe the upper qualifying age for appointment of a teacher in a privately managed school. It would also appear that the State Government while taking over the management and control of other privately managed schools under the provisions of the Bihar Non-Government Secondary Schools (Taking over of Management & Control) Act, 1980, had granted age relaxation to the teachers and non-teaching staff of these schools upto the



age of 35 years. Therefore, although the relevant circular of the State Government, whereby the maximum age was relaxed to 35 years for the teaching and non-teaching staff of the Non-Government Secondary Schools, is not applicable to the teaching and non-teaching employees of the Project Schools as already held above but having regard to the facts that they have continued uninterruptedly for several years, it would be in fact too hard to reject their claim at such a belated stage simply because some of them had crossed the age of 31 years at the time of initial appointment by the Managing Committee before the take over of the schools as Project School. I am, therefore, of the view that in the background of the facts stated above, such petitioners are also entitled for the regularisation/recognition of their services against the post within the aforementioned staffing pattern.”

4. Learned counsel for the petitioner submits that since the issues raised in the present writ petition is squarely covered by the aforesaid Hon’ble Full bench judgment which has also been approved by Hon’ble Apex Court and therefore, the concerned respondents may be directed to take final decision with regard to the entitlement by recognizing the services of this petitioner in the school from the date of taking over.

5. On the other hand, learned counsel for the State submits that appropriate directions may be issued to examine



the claim of this petitioner in the light of the judgment rendered by Hon'ble Full Bench, which specifically deals with the dispute raised with regard to the service of Project Schools, which was taken over by the State Government, in compliance of the letter No.108 dated 12.02.1985 and if the claim is found to be genuine and is falling within the parameters fixed by the Hon'ble Full Bench and the same having been approved by the Hon'ble Apex Court, the necessary decision may be directed to be taken in this matter.

6. Considering the facts and circumstances of the case that the issues of age having already been put at rest and the only ground which has been raised by this petitioner is with regard to this petitioner being overage on the date of taking over in the year 1985, for refusing recognition of his service and as per the judgment of the Hon'ble Full Bench, the upper age limit is 35 years and the petitioner was admittedly 33 years at the time of taking over, while the State-respondents were not allowed to raise such issues of overage, and accordingly, the respondents are obliged in law to take final decision with regard to the claim of this petitioner and pass a reasoned and speaking order on the representation filed within a period of four weeks with a copy of this order and if on consideration, the claim is



found to be genuine, appropriate necessary decision shall be taken within a period of eight weeks extending all consequential benefits, as per law. Needless to say, the issue of overage has only been raised by the petitioner, the same has to be decided in reference to the Hon'ble Full Bench and Hon'ble Apex Court judgment and the respondents are therefore, obliged to adjudicate the issues in accordance with law.

7. With the aforesaid observations and directions, the present writ petition stands disposed of.

(Ajit Kumar, J)

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