

(2002) 02 PAT CK 0115
In the Patna High Court
Case No : L.P.A. No. 1504 of 2000

Dr. Krishna Kant Trivedi

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 11-02-2002

Acts Referred:

Citation : (2002) 2 PLJR 52

Hon'ble Judges : Ravi S. Dhavan, C.J.; Shashank Kr. Singh, J

Bench : Division Bench

Advocate : Hemant Kr. Jha, for the Appellant; J.D. Singh, for the Respondent

Final Decision : Dismissed

Judgement

1. The present appeal has been filed against the judgment and order of learned writ Court dated 22 September 2000 passed in C.W.J.C. No. 11476 of 1999 by which the learned writ Court had held that when the post in question was vacant the Petitioner did not continue to be in the Bihar Education Service as such his Seniority in Bihar Education Service could not have been fixed. However, while parting with the order it observed that the Respondent State should issue appropriate orders with respect to grant of junior selection grade to the Appellant within two months of receipt/production of a copy of the order.

2. The Appellant relying on another order of another Bench of this Court in C.W.J.C. No. 8170 of 1995: Dr. Ram Chandra Choudhary v. The State of Bihar reported in 1996 (1) P.L.J.R. 849 had contended that the institution in question had never vested with Kameshwar Singh Darbhanga Sanskrit University, but continued all along with the State of Bihar. A further development has also been brought on record by stating that a notification has already been issued by the Secretary, Primary and Adult Education dated 14 February, 2001 granting junior selection grade to the Appellant with effect 1.4.1987, which, as per the stand of the State could not have been granted to (SIC)m.

3. Now the grievance of the Appellant that in view of the aforesaid notification

which has been issued during the pendency the Letters Patent Appeal the other advance of the Appellant was also re-(SIC)ed to be considered by the authorities the State fixing his seniority in the (SIC)tation list and granting senior selection (SIC)e; if the Appellant was entitled to the From the notification dated 14 February, 2001 it appears that the respond have treated the Appellant to be a member of Bihar Education Service, as (SIC) subsequent relief, if any, has to be granted to the Appellant.

4. The order dated 22 September, 2000 is modified to the extent indicated above. With the aforesaid modification, the appeal is dismissed.