

(1992) 11 PAT CK 0035

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7878 of 1991

Jainarain Manjhi

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 13-11-1992

Acts Referred:

Citation : (1994) 2 PLJR 236

Hon'ble Judges : S.B. Sinha, J;G.C. Bharuka, J

Bench : Division Bench

Advocate : Sanjay Kumar Singh and Anil Kumar Upadhyay, for the Appellant;
S.A. Khan, for the Respondent

Final Decision : Dismissed

Judgement

G.C. Bharuka, J.—In this writ application the prayer of the Petitioner is that he should be treated as the headmaster of Adarsh High School, Lakhoria (Deoghar) by giving him the benefit of founder headmaster.

2. I need not detain myself in setting out all the facts of the case because the Petitioner had earlier moved this Court with the similar prayer vide C.W.J.C. No. 2328 of 1979 which was disposed of on 14th November, 1984 (Annexure-2) and the authorities were directed to consider the claim of the Petitioner on merits. Pursuant thereto, the Respondent, Director, Secondary Education, by his order dated 15.10.1987 as contained in Annexure "3" to this writ petition, has rejected the claim of the Petitioner by holding that he did not fulfil the requisite condition for treating him as founder headmaster since he did not have seven years' teaching experience continuously in the school from the date of its establishment of the said school on 1.3.1974 whereas the Petitioner was appointed much subsequent thereto i.e. on 30.11.1974. It was also held that the claim of the Petitioner that his teaching experience in the Middle school should be also taken into account was not sustainable in law.

3. In my opinion, the impugned order of the Director as contained in Annexure

"3" needs no interference as it is based on duly investigated facts and correct interpretation of the statutory provisions.

4. The writ application is, accordingly, dismissed. However, there shall be no order as to costs in the facts and circumstances of the case.

S.B. Sinha, J.

5. I agree.