
(2000) 02 PAT CK 0034
In the Patna High Court
Case No : C.W.J.C. No. 7244 of 1998

Meera Bakhala and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 08-02-2000

Acts Referred:

Citation : (2000) 2 PLJR 310

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Bijay Kumar Pandey, Sanjay Kumar Pandey and Ajay Kumar Sharma, for the Appellant; Md. Sufiyan, for State, for the Respondent

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, J.—In this case, the Petitioners have prayed for direction on the Respondents to recognise their services/absorbed them to their respective posts and to pay salary with effect from 1.1.1989 upto date.

2. The Petitioners claim to be teaching and non-teaching employees (Petitioner No. 1, seems to be Head Mistress; Petitioner No. 2, a clerk; and Petitioner No. 3, a peon) of Project Bansidhar Girls High School, Bhandara, Lohardaga.

3. Their grievance is that the Respondents have not yet recognised their services/absorbed, though the school was taken over and project report submitted.

4. It appears that the recognition has not been granted on the ground that no permission was granted at the time of its establishment.

5. Similar case fell for consideration before a Bench of this Court in the case of Rabindra Kumar and Others Vs. The State of Bihar and Others, . Therein specific direction was given to the State to file affidavit giving details of schools taken over/treated as Project Schools of the year 1984-85. In the said case, specific stand was taken that the Schools, as shown in letter No. 108 dated 12th February, 1985 are directly selected schools by the State.

6. In the aforesaid circumstances, the Respondents cannot deny the claim of one or other teaching and non-teaching employees of the school on the ground that no permission was granted at the time of its establishment.

7. The question relating to total number of posts fell for consideration in the aforesaid case of Rabindra Kumar (supra) when certain direction was given for sanction of further posts. Subsequently, a Full Bench of this Court in the case of Project Uchchavidyalaya Siksha, Etc. Etc. Vs. State and Others Etc. Etc. , held that the Circular No. 142 dated 4th February, 1989 cannot be given retrospective effect, nor it can alter or modify the earlier circular. It further held that nine teaching posts are to be sanctioned for all the Project Schools.

8. In terms with such decision, the Respondents are to consider the cases of teaching employees of the school against nine sanctioned posts including the post of Head Mistress.

9. In the facts and circumstances, I remit the matter to the Director, Secondary Education, to take fresh decision relating to teaching and non-teaching employees of the school, in question, including the Petitioners so far as regularisation of their services/absorption and payment of salary are concerned.

10. Final decision be taken and appropriate order be passed within a period of three months from the date of receipt/production of a copy of this order, taking into consideration the observations made in the aforesaid case.

11. The writ petition is allowed with the aforesaid observations and directions.