

(2021) 02 PAT CK 0040

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 24552 Of 2019

Shashi Gupta

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 04-02-2021

Acts Referred:

Citation : (2021) 02 PAT CK 0040

Hon'ble Judges : Birendra Kumar, J

Bench : Single Bench

Advocate : Mukul Sinha, Rajesh Kumar, Subhash Chandra Mishra, Samir Kumar, Tej Bahadur Singh, Brisketu Sharan Pandey

Final Decision : Disposed Of

Judgement

Heard the parties.

2. Petitioner has brought this writ application for direction to the respondents to allow the petitioner to join as Assistant Teacher in Sanskrit subject in

Mangal Seminary Senior Secondary School, Motihari, East Champaran, where the petitioner was posted against the sanctioned vacant post in

pursuance of the recommendation of the Divisional Education Establishment Committee vide the referred notification.

3. Now the petitioner has already joined there. Hence, this grievance of the petitioner is redressed now. The only thing raised by the petitioner is that

the petitioner has not got arrears of pay after joining in the school though the petitioner is getting the current salary. There is no reason that the

respondent would withhold the arrears of salary.

4. The second prayer is to quash the letter/notification whereby respondent No.6 was allowed to join as Assistant Teacher Urdu without there being a

vacant post in the Urdu subject in the aforesaid school.

5. It is for the respondent-authorities to examine whether any vacant post is there or not. This Court cannot go into the correctness of the transfer of

respondent No.6 in that very school on the post of Assistant Teacher in Urdu department.

6. An interlocutory application has been filed by the petitioner vide I.A. No.1 of 2020 praying therein for amendment in relief portion by adding that

since the petitioner is senior most teacher in the school, the petitioner should have made In-Charge Headmaster and not respondent No.6. Petitioner

shall file representation before the Competent Authority, who shall pass necessary order according to law within four weeks from the date of

representation.

7. With the aforesaid observation, this writ application stands disposed of.