

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ Jurisdiction Case)

C.W.J.C.No. _____ / Of 2012.

Gagan Gunjan Kumar Petitioner

-Mrs-

The State of Bihar & Others Respondents.

Sub: Selection matter (School)

I N D E X

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C.W.J.C.No. _____ / Of 2012.

Gagan Gunjan Kumar Petitioner

-Mrs-

The State of Bihar & Others Respondents.

SYNOPSIS

Reliefs:-That this is an application for issuance of an appropriate writ/writs, Order/ Orders, Direction/ Directions for Commanding the Respondent No.1 to disposed of the Case vide Misc(Shiksha Mitra) Case No.05 of 2010 as early as possible which is pending since long.

Annexure - (1) A True Photo Copy of Order

dated 07.03.2011 to Teacher Appellate Tribunal

Respondent No.4, Madhepura, uptill now the

said case was pending in the Court of

Respondent. No.4.

Annexure - (2) A True Photo Copy of Order dated 14.07.2009 is

allowed by the Hon'ble Court vide C.W.J.C.

No. ¹¹⁴¹⁸~~418~~ of 2006.

Hence this writ Application.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction Case)

C.W.J.C.No. _____ / Of 2012

In the matter of an
application Under Article 226
of the Constitution of India:

A N D

In the matter of :

Gagan Gunjan Kumar Son of Sri Rakeshwar Prasad Yadav,
Resident of Village: ^{Biri} ~~Sari~~ Rampal, P.S: -Uda Kishunganj,
District: -Madhepura.

.... Petitioner

-Vra-

1. The State of Bihar.

2. The Commissioner Cum Secretary, Department of Secondary
Primary and Adult Education, Government of Bihar, Patna.

3. The District Magistrate, Madhepura.

4. The Appellate Teachers Tribunal, Madhepura.
5. The Block Development Officer, Uda Kishunganj and,
Madhepura.
6. The Mukhia, Pari Rampal Panchayat, Uda Kishunganj,
District: - Madhepura.

..... Respondents.

To,

The Hon'ble MS. Rekha M. Doshit the Chief Justice
of the High Court of Judicature at Patna and her
Companion Justices of the Said Hon'ble Court.

The Humble petition on behalf
of the Petitioner abovenamed:-

Most Respectfully Sheweth:-

1. That this is an application for issuance of an
appropriate writ/writes, Order/ orders direction/
directions for Commanding the respondent No.4 to
disposed of the Case vide Ms.(Shiksha Mitra) Case

-No.05 of 2010 as early as Possible which is Pending since long.

2. That the Petitioner seeks indulgence of the Hon'ble Court for the following reliefs:-

(i) To direct the respondent No.4 to disposed of the Misc. (Shiksha Mitra) Case No.05 of 2010 as early as Possible the same as Pending in the Court of Respondent No.4 ^{Since} since long period.

(ii) To direct the respondents to act accordance with law.

(iii) To direct the respondent No.4 to action light of the Order dated 14.07.2009 passed by the Hon'ble Court vide C.W.J.C. No.11410 of 2006(Annexure-)

(iv) Any other relief or reliefs:

3. That the Petitioner is a Citizen of India and residing under the territorial Jurisdiction of this Hon'ble Court.

4. That it is relevant to state here that in the Year 2005 Act applied for the post of Siksha Mitra-
Petitioner obtained 561 Marks in I.A. Examination Despite
of that Act was not appointed for the Post of Siksha-
Mitra.

5. That the Other Candidate who ~~the~~/has obtained
lower marks than the petitioner ^{has not} ~~he~~ been appointed for
the Post of Siksha Mitra.

6. That thereafter the Petitioner filed an application
before Respondent No.3(The District Magistrate, Madhepura)
vide Misc.(Siksha Mitra) Case No.05/2010 after learned
the same was transferred On 7.03.2011 to Teachers -
Appellate Tribunal Respondent No.4 Madhepura, uptill
no. the said case was Pending in the Court of Respondent
No.4.

A True Photo Copy of Order

dated 07.03.2011 is annexed here

with end marked as Annexure:-"11"

to this Petition.

11. That the Petitioner has not moved earlier before this Hon'ble Court for the reliefs as prayed for the Paragraph No. 1 of this writ Petition.

12. That Under the facts and circumstances stated above the petitioner deserves grant of reliefs.

It is, therefore Prayed that your lordships may graciously be pleased to issue Rule nisi Calling upon the respondents to Show Cause as to why the reliefs/s prayed for a Paragraph 1 & 2 to this writ Petition be not granted to the petitioner and on return of the Rule after learned the Parties make the rule absolute.

A N D / O R

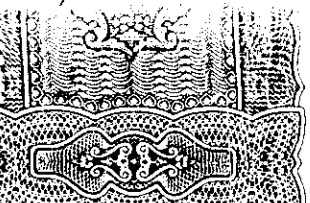
May pass such other order/ orders as your lordships may deem fit and proper.

And for this the Petitioner Shall ever Pray.

A F F I D A V I T

I, Gagan Gunjan Kumar Aged about 34 Years, Son of Rajeshwar Prasad Yadav
Sri Rajeshwar Prasad Yadav, Resident of Village:-Bari Rampal,
P.S:-Uda Kishungani, District:-Madhepura, do hereby Solemnly
affirm and state as follows:

1. That I am Petitioner of the case and as such am well
acquainted with the facts and circumstances of the case.
2. That the Contents of this petition have been read over
and explained to me in Hindi which I have fully understood
and the same are true to my knowledge.
3. That the statement made in Paragraphs No.s
are true to my knowledge and those made in Paragraphs Nos.
are true to my information
derived from the records and the rest are by way of Submission
before this Hon'ble Court.
4. That the Annexure are true/ Photo copy of its
respective Originals. (Originals).



आवेदक को फोलियो की अपेक्षित संख्या निश्चित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
8/4/11	8/4/11	9/4/11	9/4/11

न्यायालय, समा इन्तर्ग, मधुपुरा।

विविध शिक्षा मित्र वाद सं-05/10

गगन गुजन कुमार बनाम राजनश्री देवी, मुखादि एवं अन्य।

ORDER

3.11

Present case to be transferred to Appellate tribunal.

sd/- Illegible.

~~7.3.2011~~

7.3.2011.



[Handwritten signature]
9/4/11

[Handwritten signature]
9/4/11

राजश्री देवी
विराटगढ़
9.4.11
अभिनेता
द्वारा 904 वि एवं
कमल से अन्तर्गत विवाह

19.

20.

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.11418 of 2006

ANIL KUMAR

S/O-Muneshwar Thakur, R/O-Vill-Pariharpur, P.S.-Behariganj, Distt.-Madhepura.
.....Petitioner.

Versus

1. The State of Bihar.
 2. The Commissioner-cum-Secretary, Department of Secondary, Primary and Adult Education, Government of Bihar, Patna.
 3. The District Magistrate, Madhepura.
 4. The Block Development Officer, Uda. Mangal, Distt.-Madhepura.
 5. Mukhya Bini Ranpai Panchayat, Block-Udakishungaj, P.S.-Behariganj, Distt.-Madhepura.
 6. Pawan Kumar, S/O-Mahendra Gupta, R/O-Vill-Bashio, P.S.-Behariganj, Distt.-Madhepura.
-Respondents.

14.07.2009

Heard learned counsel for the petitioner and learned counsel for the state.

Learned counsel for the petitioner submits that the petitioner was wrongly removed from the post of Siksha Mitra as the appointment of the petitioner was in accordance with law and after following due procedure. He submits that for his reinstatement or for consequential relief the petitioner has already filed a representation before respondent no. 3, Collector-cum-District Magistrate, Madhepura, copy whereof is contained in Annexure -5. He submits that in the identical circumstance services of those of the Siksha Mitra have been restored on the order of this Court, copy whereof

6/10/09
Shri. Anil Kumar
S/O. Muneshwar Thakur
R/O. Pariharpur
P.S. Behariganj
Distt. Madhepura

14/07/2009
ANIL KUMAR
S/O. MUNESHWAR THAKUR
R/O. PARIHARPUR
P.S. BEHARIGANJ
DISTT. MADHEPURA

is annexed as Annexure 7. He submits that this writ application may be disposed of with a direction to respondent no. 3, Collector -cum- District Magistrate to consider the representation of the petitioner in the light of the said order of this Court and in the light of the fact that Annexure 1 and 2 shows that all procedures were adopted in the appointment of the petitioner.

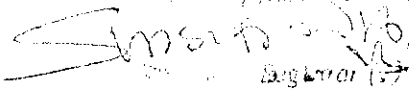
✓ Accordingly, this writ application is disposed of with a direction to respondent no. 3, Collector -cum- District Magistrate to consider the representation of the petitioner as contained in Annexure- 4. For convenience of the respondent no. 3 the petitioner is given liberty to file a fresh representation also, if necessary, enclosing the orders of this Court and documents evidencing the procedure adopted in his appointment. If such representation is filed within one month from today, the respondent no. 3 shall consider the same taking into account the documents enclosed therewith and he shall pass appropriate orders in accordance with law. In case the claim of the petitioner is found acceptable the appropriate consequential orders including orders for arrears of salary of the petitioner shall be passed. In case

respondent no. 3 does not find merit in the claim of the petitioner he shall pass appropriate orders giving specific reasons for the same and communicate the same to the petitioner. In case District Magistrate feels it necessary for the purpose of compliance of natural justice he may issue notice to respondent no. 6 giving opportunity of hearing before passing the final order. Final orders on either way shall be passed by respondent no. 3 within a period of three months from the date of filing of the representation.

It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner which has to be considered by respondent no. 3 strictly in accordance with law.

DKS/

(C. N. Singh, J.)


 Registrar
 High Court
 established by Act No. 1 of 1873

