

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3856 of 2015

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1. Ajay Kumar Son of Sri Teghu Pandit , Resident of village - Labna , Police Station- Sikrahata, District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhojpur at Ara
3. The District Education Officer, Bhojpur at Ara.
4. The District Programme Officer, Secondary Education and Literacy, Bhojpur at Ara.
5. The Block Education Officer, Block - Tarari, District- Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh
For the Respondent/s : Mr. R.K. Priyadarshi- SC32
Mr Madhusudan Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-04-2015

The Court is inclined to take action against the authority, which has allowed the petitioner to work as Incharge Headmaster of Primary School, Labna, Block Tarari, in the district of Bhojpur. Not only there are various judicial orders in this regard that a Panchayat Teacher or a Block Teacher cannot officiate as Headmaster of any school but there is even direction issued by the Director, Primary Education, Government of Bihar in this regard. All such persons, who are still officiating as Headmaster, are required to be dealt with by the superior authorities and the petitioner is also required to be relieved immediately from the post of Incharge Headmaster from the

school in question.

The District Programme Officer (Establishment) must ensure that appropriate order is passed ensuring that the petitioner does not function as an Incharge Headmaster of the school in question even for a day any more.

After the removal of the petitioner from the responsibility of acting as Incharge Headmaster, half of his problem will be taken care of as he cannot be made answerable for payment to anybody in this regard. The order dated 29.8.2014 will not have any effect. Petitioner will earn what he is entitled to by way of his fixed emoluments from the date the impugned order contained in Annexure- 1 was passed and the current payment as well. The payment must accrue to the petitioner within a reasonable time frame now.

No order is required to be passed on Interlocutory Application.

Writ is disposed of in terms of above.

(Ajay Kumar Tripathi, J)

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