

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12985 of 2014

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Mukesh Kumar son of Sitaram Sah, resident of Village- Karahwana, P.O.- Khuti,
P.S.- Surpatganj, Distt.- Supaul

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Human Resources Development, Government of Bihar, Patna.
2. The Director, Research and Training, Patna, Bihar.
3. The District Magistrate, Supaul.
4. Deputy Development Commissioner, Supaul.
5. Regional Deputy Director, Koshi Division, Saharsa.
6. District Programme Officer, Training and General Education, Supaul.
7. District Education Officer, Supaul.
8. The Senior Deputy Collector cum Incharge Officer, Chhatapur, Supaul.
9. Block Education Officer, Chatapur, Supaul.
10. Dilip Kumar Verma, son of not known, resident of village + P.O.- Chatapur, Distt.- Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha
For the Respondent State: Mr. Vivekanand Singh, AC to GA 8
For the private respondent: Mr. Anil Kumar Mukund

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-09-2015

Heard counsel for the petitioner, counsel for the respondent State as well as the private respondent.

Petitioner is aggrieved because he has been removed from the post of CRCC and respondent No.10 has been accommodated.

At the outset it is made clear that such a position is not a substantive position or a post but is a kind of assignment given to a regularly appointed Assistant Teacher to augment and impart training to the teachers for enhancement of their skill. Substantive position of such an appointee is the original post of an assistant teacher.

Counsel for the petitioner submits that the present petitioner is better placed in terms of qualification. He is a B.Ed. Therefore, decision of the respondents to remove him and accommodate respondent No.10 is an arbitrary exercise.

Many an affidavits have been exchanged between the parties. The respondents have explained the methodology and the reason for such removal or replacement, which any way was not a permanent appointment of the petitioner. Even a comparative chart has been annexed as Annexure-C to the counter affidavit of respondent No.6.

By every yardstick the private respondent, obviously, is a more experienced person and he came to be appointed years ago as an Assistant Teacher when the present petitioner was not even born in the cadre. The Court has gone through the comparative chart and taking into consideration that such an appointment as noticed above is not a substantive appointment, no interference is warranted with the decision of the respondents.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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