

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3183 of 2015

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Praveen Priyadarshi son of late Palakdhari Prasad, resident of Basera mohalla-
Pirbaba Road, Ara, Police Station Nawada, District Bhojpur, at present posted and
working as an Assistant Teacher in Adarsh Govt. Middle School Nawada, Anchal
Ara Town, District

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Ara, District Bhojpur
4. The District Education officer, Ara, District Bhojpur
5. The District Programme Officer (Establishment), Ara, District Bhojpur
6. The Block Education Officer, Ara Town, District Bhojpur
7. The Secretary, School Education Committee, Govt. Adarsh Middle School
Nawada, Ara, District Bhojpur
8. The Drawing and Disbursing Officer cum Headmaster, Govt. Middle School
Ramgarhiya, Anchal Ara Town, District Bhojpur
9. Shashidhar Pandey son of Raj Bansh Pandey, resident of mohalla Katira, Police
Station Nawada, District Bhojpur, at present working as Incharg Head Teacher,
Govt. Adarsh Middle School Nawada, Ara, District Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. SC3-Syed Arshad Alam

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-03-2015

Petitioner seems to be in gross violation of direction of
the superiors, if he has not handed over charge in terms of the
direction issued by the superior authorities as far back as 2.3.2013 for
which yet another reminder had to be issued at the level of the
District Programme Officer (Establishment), Bhojpur, Ara on
12.8.2014. If petitioner is not senior in terms of service viz- a viz the
private respondent, he cannot act as conscience keeper. If there are

criminal cases pending against private respondent, that is a matter for District Programme Officer (Establishment) to look into. But that cannot be made a ground for not handing over charge and hanging on the post of Incharge headmaster. If petitioner has not handed over charge, superior authorities have every right to proceed against him departmentally. If the petitioner has handed over charge and is not creating any impediment for the private respondent, that is another issue and the matter should rest.

The writ application is otherwise dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

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