

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13024 of 2015

1. Sarwat Afroz W/o Md. Khalid Faizan Resident of Mohalla Laheri, P.S. Biharsharif, District Nalanda, presently working as Asstt. Urdu Teacher in Faizanul-o-loom Urdu Girls Middle School, Mohalla Laheri, P.S. Biharsharif, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, New Secretariat, Baily Road, Patna-1.
3. The Director, Primary Human Resources Department, Govt. of Bihar, New Secretariat, Baily Road, Patna-1.
4. The Joint Secretary, Human Resources Department, Govt. of Bihar, New Secretariat, Baily Road, Patna-1.
5. The District Programme Officer, Establishment, Nalanda.
6. The District Education Officer, Nalanda.
7. The District Superintendent of Education, Nalanda.
8. The Secretary, Faizanul-o-loom Urdu Girls Middle School, Mohalla Laheri, P.S. Biharsharif, District Nalanda.
9. The Head Master Faizanul-o-loom Urdu Girls Middle School, Mohalla Laheri, P.S. Biharsharif, District Nalanda.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Respondent/s : Mr. N.K. Singh- SC2

Mr Kamlesh Prasad, AC to SC 2

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-12-2015

The District Programme Officer (Establishment),

Nalanda is present in person as directed. He has explained reasons for non-response to the previous direction of the Court as he has recently joined.

After having perused the counter affidavit as well as the supporting annexures, there is an element emerging from the

pleadings that the previous District Education Officer has overreached, if not breached, the direction issued by the Education Department in accommodating the petitioner and yet another teacher, if not the school. It is not very difficult to understand why the above fact did not come to the knowledge of the superior authorities earlier because it is only now that they have started demanding salary etc. from the State exchequer.

In the above circumstances, no clear direction in favour of the petitioner can be issued. The District Programme Officer will issue show cause even to the petitioner, seek response and thereafter pass an appropriate order with regard to his claim. All this must be done within a period of three months from today.

Writ stands disposed of in terms of the direction as above.

Presence of the District Programme Officer stands disposed of.

(Ajay Kumar Tripathi, J)

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