

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1588 of 2014

In

Civil Writ Jurisdiction Case No. 4392 of 2014

With

Interlocutory Application No.9055 of 2014

In

Letters Patent Appeal No.1588 of 2014

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Bisheshwar Prasad Yadav, S/o Late Hari Lal Yadav, Principal of Patna High School, Gardanibagh, Distt. – Patna.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Govt. of Bihar, Patna.
2. The Director (Administration), Education Department, Govt. of Bihar, Patna.
3. The Deputy Secretary - Cum - Deputy Director (Administration), Govt. of Bihar, Patna.
4. The District Education Officer, Patna.
5. Smt. Madhubala Rani, Assistant Teacher, Govt. Girls High School, Gardanibagh, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Prasad Singh, Senior Advocate
Mr. Rajeev Kumar Singh, Advocate

For the Respondent/s : Smt. Binita Singh, G. P.-31
Mr. Rewati Raman, A.C. to G.P.-31

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 09-01-2015 The unsuccessful petitioner in CWJC No.4392 of 2014 filed this Letters Patent Appeal feeling aggrieved by the

order dated 19.11.2014 passed by the learned Single Judge.

Heard Sri Rajendra Prasad Singh, learned senior counsel for the appellant and Smt. Binita Singh, learned Government Pleader for the respondents.

The case has a chequered history. The appellant initially joined as an Assistant Teacher in the Bihar Subordinate Education Service in the year 1987. He responded to a notification issued by the Bihar Public Service Commission for appointment to the post of Principal and was selected. Later on, several complications arose, in the merger of cadres and fixation of seniority. The matter was given a quietus by the order passed by the Hon'ble Supreme Court in Civil Appeal No.8226-8227 of 2012. As a sequel to the order passed by the Hon'ble Supreme Court, the appellant has been transferred as Principal to another institution at Rajendra Nagar, Patna. The writ petition was filed challenging the same.

The ground urged by the appellant was that when his direct recruitment itself is to the post of Principal, he could not have been transferred to another institution in different capacity. That contention did not weigh with the learned Single Judge and the writ petition was dismissed.

In the Letters Patent Appeal, certain interim order was passed leaving it open to the respondent to issue proper

order in this behalf.

Today, learned counsel for the parties have placed before us a copy of the order dated 08.01.2015 through which the appellant is transferred as Principal, Government High School (Boys), Rajendra Nagar, Patna. He does not have any serious grievance about the transfer. However, he takes exception to his description as Senior Professor, before being transferred as Principal.

We are of the view that the grievance of the appellant in that behalf needs to be dealt with in a separate set of proceedings, if instituted by him.

We, therefore, dispose of the Letters Patent Appeal upholding the order of the learned Single Judge, but leaving it open to the appellant to work out his remedies as regards his description as Senior Professor in the order dated 08.01.2015.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(I. A. Ansari, J)

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