

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10495 of 2015

=====

Yogendra Prasad Singh S/o Late Awadh Singh Residence of Village
Nawagi Tola PO- Gurukul Mohiya PS- Chapra Mufasil District Saran at
Chapra

.... Petitioner/s

Versus

1. The State of Bihar (Through Secretary Cum Commissioner, Human Resources Development, Patna, Bihar.
2. The Director (Middle Education), Patna, Bihar.
3. The District Magistrate, Saran at Chapra.
4. The District Programme Officer Establishment, Saran at Chapra.
5. The District Education Officer, Saran at Chapra.
6. The Management Committee Of Mishri Lal Shah Arya Kanya High School, Sahebganj, Chapra.
7. The Principal Mishri Lal Sah, Arya Kanya High School, Saran

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv

For the Respondent/s : Mr. S.K. Sharma- GA1

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 31-07-2015 Heard learned counsel for the parties.

From the pleadings on record, it appears that the petitioner is a science teacher in Mishri Lal Sah Arya Kanya Uchch Vidyalaya, Chapra which has been established by Arya Samaj, Chapra. According to learned counsel for the petitioner, the petitioner's appointment on the post of Science teacher on account of the School in question being the minority institution had been approved by the competent authority in terms of Section-18 of the Secondary School Take Over Act 1981, and therefore, when the managing



committe of the School has again now promoted the petitioner holding the post of Science teacher in the School against the post of Headmaster, the Director, Secondary Education being the competent authority should not have slept over the matter, which is he is doing for last three years.

In the considered opinion of this Court, three things will have to be established by the petitioner. Firstly, the School of the petitioner is a minority declared School. Secondly, the services of the petitioner as a teacher (Science Teacher) was approved by the competent authority in terms of Section 18 of the Secondary School Take Over Act, 1981 and finally, all the requirement including eligibility condition for being promoted on the post of Headmaster and that the procedure of promotion as undergone and undertaken by the managing committee was in accordance with law. In fact when Section 18 of the Secondary School Take Over Act, 1981, talks of approving of the appointment and there is no concept of promotion on the post of Headmaster and such appointment be made only on the basis of publication of vacancy of the post of teacher in the

newspaper. The observance of procedural aspect will also be having its own importance. There being absolutely no pleading of all this, this Court would give liberty to the petitioner to file his self contained representation before the Director, Secondary Education who thereafter shall take his own decision strictly in accordance with law and keeping in view the power that has been vested to him Under Section 18 of the Secondary School Take Over Act, 1981. Thus, if the petitioner files his self contained representation enclosing all the necessary documents, appropriate decision will be taken by the Director, Secondary Education within a period of four months from the date of filing of the representation by the petitioner.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

U			
---	--	--	--