

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22800 of 2013

Santosh Kumar Singh Son Of Late Kashi Nath Singh Resident Of Village + P.O. -
Sato Eoti (Chaprang), P.S. - Nuaon, District - Kaimur

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department Of Education, Govt. Of Bihar, Patna
2. The Director, Primary Education, Govt. Of Bihar, Patna
3. The District Education Officer, Kaimur at Bhabhua
4. The District Programme Officer (Establishment), Kaimur at Bhabhua
5. The Prakhand Shikshak Niyojan Samiti, Nuaon, District - Kaimur at Bhabhua
6. The Block Education Officer, Block Nuaon, District at Bhabhua

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. DHANANJAY KUMAR, ADVOCATE

For the Respondent/s : Mr. YOGENDRA PD. SINHA, AAG-15

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-01-2015

The set of Rules which govern the petitioner cannot be equated with another set of Rules which govern regular teachers. Petitioners are Panchayat Teacher and they cannot plead discrimination on the basis of a set of Rule meant for regular teachers. The two posts and responsibilities are different. The mode of recruitment and service conditions are different. If this is the basis on which a clear cut directive have been issued by the Director, Primary Education, Government of Bihar, that no Panchayat Teacher is going to be given responsibility to officiate as a Principal in any school, then it cannot be said to be violative

of Articles 14 and 16 of the Constitution of India.

This Court reiterates that the position indicated in Annexure-3 dated 24.06.2013 indicates the correct position taken by the Director, Primary Education. In fact, this Court would like to direct the Director to ensure that his directive of taking action against the person, who hands over responsibility or allow any Panchayat Teacher to officiate as In-charge Principal should strictly enforced since the directive is being violated regularly and follow up action is required to be taken up by him.

The writ application of the petitioner is being dismissed for the reason that the directive contained in Annexure-3 is not required to be interfered since chalk and cheese cannot be equated.

A copy of this order will be communicated to the Director, Primary Education to redeem the situation, because many litigants are now coming before this Court, filed on behalf of Panchayat Teachers that they are sought to be replaced or removed by other teachers from the post of acting Head-masters and they have a right to continue. Why such breach is being allowed to be committed is for the Director to find out and take remedial measure.

(Ajay Kumar Tripathi, J)

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