

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11691 of 2016

Arvind Kumar Singh Son of -Raghunath Singh Resident of vill- Imiliyan, P.S.-
Manjhagarh , District- Gopalganj, Presently Incharge Headmaster, Primary School,
Imiliyan, Anchal-Manjhagarh, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources, Development Department ,
Government of Bihar, Patna
3. The Director, Primary Education, Government. of Bihar
4. The Regional Deputy Director of Education, Saran at Chhapra
5. The District Magistrate, Gopalganj cum Chairman, Education Project, Gopalganj
6. The District Programme Officer (Establishment), Gopalganj
7. The District Programme Officer , Prarambhic Shiksha and Sarva Shiksha
Abhiyan, Gopalganj
8. The Block Education Extension Officer, Manjhagarh, Gopalganj
9. Premshila Devi W/o Arun Kishore Singh Resident of village - Imiliyan, P.S. -
Manjhagarh, District- Gopalganj , Presently Posted as Panchayat Teacher, Primary
School, Imiliyan, Anchal Manjhagarh, District- Gopalganj

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shafiur Rahman
For the Respondent/s	:	Mr. K. P. Yadav, G.P.-11
		Mr. Sunil Kumar, AC to GP-11

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-09-2016

Heard learned counsel for the petitioner and counsel
for the State.

The State authorities have taken a stand that under the
circumstances that the cadre of Assistant Teachers from Primary
Schools is going to be a dying cadre and the same is going to be
managed only by Panchayat Teachers, therefore, certain changes
have been brought about in the Rules, relating to 2012 and 2014.

Keeping the said into consideration and taking into account the guidelines, which have been issued by the respondents- State authorities, the private-respondent no. 10 has rightly been asked to be Incharge of the school in question.

The submission of the counsel for the petitioner that his joining was earlier, by virtue of the fact that he was a Panchayat Shiksha Mitra and the date of joining in the school should be considered as the basis for working out seniority, is a misplaced kind of submission to make, because all these teachers have to be treated by a legal fiction to have been borne in the 'cadre' on 01.07.2006.

If that be so, the date of birth of the private-respondent being 11.07.1975 viz-a-viz the petitioner, whose date of birth is 01.12.1978, she would be required to be given responsibility as incharge.

No interference is required with the impugned order.

Writ application is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	21.09.2016
Transmission Date	