

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15737 of 2016

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Surya Kant Sharma, son of Muneshwar Prasad Sharma, Resident of village-
Kapasiya, Police Station- Town, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary of Education, Education Department, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The District Education Officer, Begusarai.
6. The District Programme Officer, Begusarai.

.... Respondent/s

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For the Petitioner/s : Mr Zeyaul Hoda, Advocate

For the S t a t e : Mr Amarendra Kumar, AC to AAG 15

For the Interveners : Mr Amarendra Kumar, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 24-10-2016

The grievance of the petitioner, who is a social worker of Begusarai district, is that in matters of promotion to the post of Headmaster in Government Aided Schools, there have been large scale irregularities. People, ineligible, have been wrongly shown to be eligible and appointed as Headmasters for considerations which are other than bona fide. He draws attention of this Court to Annexure 6 to the supplementary affidavit which is a recent report dated 23.09.2016 of the DDC, Begusarai to the District Magistrate –cum-

Collector, Begusarai pointing out large scale irregularities committed by the District Promotion Committee in relation to Schools.

2 Shri Amarendra Kumar, Advocate (AOR No 00032) has entered appearance on behalf of certain interveners. He points out that the promotions have been granted pursuant to various judicial orders of this Court. He submits that in the garb of the illegalities or irregularities committed, bona fide Teachers should not be harassed.

3 In this regard, we would like to say that if the Teachers, who have been promoted, found so promoted bona fide, and they fulfill legal parameters, they need not have any apprehensions. The report of DDC having been submitted to the Collector –cum- District Magistrate, Begusarai, we would expect the Collector to take the report to its logical end. Either the findings therein are correct or if they are correct then the matter is very serious. If they are wrong then the Collector would have to hold that the findings, as arrived by DDC, is not supportable, but in any event, the report of DDC cannot be brushed under the carpet. The Collector would have to expeditiously, within a period of three months from the time this order is produced before him, conduct such enquiry, gather such information as he may deem fit and take a final decision in the matter of appointment/promotion to the post of Headmaster in Government Schools in the district of Begusarai and the conduct of the District

Promotion Committee in this regard. He must keep in mind that proper education is a serious matter and competency to hold office of the Headmaster is equally important. We would expect the District Magistrate to devote time, notwithstanding the fact and without being prejudiced by the fact that in the District Promotion Committee, there are two nominees of him. He should conduct the enquiry in a fair and impartial manner to ensure that the norms set out for the purposes of promotion are duly followed. He would be entitled to summon persons and records for the purposes of the enquiry and he would finally take action within the period stipulated above without any further delay.

4 With this observation, this application stands disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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