

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14736 of 2011

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Kusum Kumari W/O Dinesh Prasad, resident of village- Nonhi, P.S.-
Rajgir, Distt.- Nalanda Petitioner

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, Patna
 4. The RDD, Patna Division, Bihar, Patna
 5. The Collector, Nalanda, Biharsharif
 6. The Distt. Education Officer, Nalanda, Biharsharif
 7. The Distt. Superintendent of Education, Nalanda, Biharsharif
 8. The Block Education Extension Officer, Rajgir, Distt.- Nalanda
 9. The Area Education Officer, Biharsharif, Nalanda
 10. The Mukhiya, Gram Panchayat Pathraura, Rajgir, Nalanda
 11. The Panchayat Sevak (Panchayat Secretary), Gram Panchayat
Pathraura, Rajgir, Nalanda
 12. Nandkishore Kumar Yadav, Primary Teacher, Primary School, Nonhi,
Rajgir, Nalanda Respondents
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Appearance :

For the Petitioner/s : Mr. Kripanand Kumar Prabhakar

For the Respondent/s : Mr. AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 05-04-2016 Heard learned counsel for the petitioner and learned
AC to GA-1.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of a letter dated 14.05.2011 (Annexure-7 to the writ petition) issued under the signature of the Regional Dy. Director, Patna Division, Patna (Respondent no.4), whereby the petitioner being junior to private Respondent no.12 was directed to hand over charge of the Headmaster to Respondent no.12. The

petitioner has also prayed for quashing of Annexure-8 and 9 of the writ petition, whereby direction was issued to the petitioner to hand over charge within 24 hours.

Learned counsel for the petitioner has tried to persuade the Court that the petitioner was senior to Respondent no.12 and, as such, the order, whereby direction was issued to hand over charge of the Headmaster to Respondent no.12 being senior to the petitioner, is illegal.

In this case, a counter affidavit has been filed on behalf of Respondent no.7 and a specific stand has been taken that the petitioner was junior to Respondent no.12 as the Respondent no.12 is a trained teacher, whereas the petitioner had obtained CPT (Certificate in Primary Teaching) from IGNOU, which is not recognized by the Government. The said averment made in the counter affidavit has not been refuted by filing any reply to the counter affidavit.

In view of facts and circumstances, particularly the fact that Respondent no.12 is a trained teacher and uncotroverted statement made in paragraph-7 of the counter affidavit, I do not find any ground to pass any order in favour of the petitioner.

The writ petition stands dismissed.

NKS/-

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(Rakesh Kumar, J)