

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17093 of 2015

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1. Arbind Kumar Rai S/o Shri Shyam Deo Rai Village- Jamuaon, P.O. Jamuaon, P.S. Guthari Dist-Siwan at posted in Graduate Trained (Science) Govt. Middle School Bhore, Anchal Bhore, Dist Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar Patna.
3. The Director, Primary Education, Government of Bihar Patna.
4. The Regional Deputy Director of Education, Saran Division, Saran at Chapra.
5. The District Magistrate, Gopalganj.
6. The District Education Officer, Gopalganj.
7. The Principal, District Education and training Institute Thawe, dist Gopalganj.
8. The District Programme Officer (Establishment) Gopalganj.
9. The Block Education Officer, Bhore, District Gopalganj.
10. Ajay kumar Singh son of Shri Bishwa Nath Singh Resident of Village-Banshaghati, PO Sareya, P.S. Bhatani, District Deoria (U.P) at present posted (in matric trained pay scale) as In Charge Headmaster Govt. Middle School Bhore Dist Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra
For the State	:	Mr. Sarvesh Kumar Singh, AAG 13 Mrs Sunita Kumari, AC to AAG 13
For Private Respondent	:	Mr Sanjeet Kumar Mr Amit Pandey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-12-2016

Heard counsel for the petitioner, counsel for the private respondent and the State.

The petitioner has raised an issue through this writ application with regard to the decision of the Regional Deputy Director of Education, Saran, who vide Annexure- 17, dated 9.7.2015, has annulled the previous direction of the District Education Officer to give charge to the petitioner of Middle School, Bhore. Counsel for



the petitioner has urged before the Court that he is the senior most teacher and also has been granted graduate trained scale, therefore, the decision of the District Education Officer is in conformity with the directive, which has been issued from time to time, including the one provided for in Annexure- 21, annexed with the reply of the petitioner to the counter affidavit filed on behalf of respondent no.4.

The petitioner seems to be a teacher, who is clever by half. He is trying to shift the onus upon the respondents for taking a decision detrimental to his interest, but a deeper look reflects that the petitioner is trying to create a situation by taking unilateral decision as to what he would like to do and what he would not and the kind of responsibility he would like to shoulder according to his convenience.

The State in its counter affidavit have categorically stated that the petitioner was selected and appointed to work as Coordinator of CRCC for a period of five years. The appointment of the petitioner was made on 25.3.2013. It is an important assignment and selection is made with the object of providing quality training to the teachers of such centers and the guidelines relating to such selection and removal clearly indicates the time frame which such selected candidates are mandatorily required to serve.

The petitioner unilaterally decided to resign on 1.4.2015. He has manipulated things to his advantage by approaching the Block Education Officer and the District Education Officer because he finds



the post of Incharge Headmaster more lucrative and more fulfilling than may be the onerous responsibility as Coordinator of CRCC.

The Court has been taken through the provisions and the guidelines. There is no provision of unilateral resignation though there is provision for removal for certain acts of omission and commission by such persons. The petitioner cannot choose as a government servant what he would like to do. His resignation has not been accepted or acted upon. He cannot be allowed to have his way by manipulating things, which this Court does not appreciate.

There is no infirmity with Annexure- 17 which is subject matter of challenge. In fact, the authorities should come down heavily upon the petitioner for his conduct and such unilateral kind of decision which he has taken without approval of the superiors in this regard. If the petitioner does not revert back to CRCC within a week and join, he may be put under suspension and proceeded departmentally.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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