

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19300 of 2011

Sarangdhar Singh S/o Late Rajdeo Singh Resident Of Village-Bhataulie, P.O.-
Checharhi, P.S. Obra, District Aurangabad, At Present Posted As An Assistant
Teacher Govt. Girls High School Daudnagar, Aurangabad.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Cum Commissioner, Human
Resources Development Department, Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Joint Director, Secondary Education, Bihar, Patna.
4. The Regional Deputy Director Of Education, Magadh Pramandal, Gaya.
5. District Education Officer, Aurangabad.
6. Shiv Narayan Singh, Headmaster, Anugrah High School Madanpur, Aurangabad.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Respondent/s : AC to SC27

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 29-04-2016

Heard Sri Anil Kumar Singh, learned counsel for the
petitioner and learned AC to SC No. 27.

In the present writ petition filed under Article 226 of the
Constitution of India, the petitioner has mainly prayed for directing
the respondents to promote him to the post of Headmaster with
effect from 7.12.2010 the date on which the respondent no. 6 was
appointed as Headmaster.

A plea has been taken that the respondent no. 6 was
appointed subsequent to the petitioner and as such, petitioner being
senior to respondent no. 6 was required to be appointed as



Headmaster with effect from 7.12.2010. In the writ petition the petitioner has not brought on record the order whereby the respondent no. 6 was promoted as Headmaster nor any prayer has been made for cancelling the said appointment. In the writ petition a counter affidavit was filed long back on 11th May 2012 on behalf of the respondent no. 2 / Deputy Director (Secondary Education), Bihar, Patna and in paragraph no. 11 a specific stand was taken that petitioner was not possessing the post graduate degree in Arts/ Science/ Commerce whereas the respondent no. 6 was having the post graduate degree. Since the respondent no. 6 had fulfilled the required requisite qualification and condition for promotion as Headmaster, he was rightly promoted to the post of Headmaster. The petitioner has filed rejoinder to the counter affidavit but statement made in paragraph no. 11 of the counter affidavit has not been controverted. Meaning thereby, that on the date when respondent no. 6 was made Headmaster the petitioner was not having requisite qualification whereas respondent no. 6 was having the requisite qualification.

In this case during the pendency of the writ petition the petitioner had also filed an interlocutory application with entirely distinct relief. Earlier by order dated 4.2. 2015 it was directed that same will be considered at the time of Admission. Keeping in view the fact that in the interlocutory application a distinct prayer was

made there is no need to pass any positive order on the interlocutory application i.e. I.A. No. 848 of 2015.

The writ petition having no merit stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04-05-2016
Transmission Date	N.A.