

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1059 of 2015

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Chandeshwari Kumar son of Shri Domi Mandal, Resident of at Uda Kishunganj,
Police Station - Uda Kishunganj, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Koshi Division, Saharsa.
4. The District Education Officer, Madhepura.
5. The Principal, District Education Institute, Madhepura at Madhepura.
6. The District Programme Officer, Elementary Education and Sarva Shiksha Abhiyan, Madhepura.
7. Lalan Kumar Dinbandhu, Asst. Teacher, Middle School, Haraili, Block -Uda Kishunganj, District - Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar
For the State : Mr. Rajesh Kumar, AC to GP 10
For the Bihar Education
Project : Mr. Girijish Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-02-2016

Petitioner has a grievance since he has been ordered to be removed from the post of Block Resource Person. His assignment was made some time in the year 2013 but now respondents have decided to divest him of that responsibility and sending back to his substantive post.

It is made clear that the post of Block Resource Person is not a substantive appointment but a responsibility thrust upon a person who has capability to make difference between the training and teaching which is required to be imparted to teachers to augment their skill. The substantive post and position of such person is that of an Assistant Teacher. It also cannot be a matter of dispute that it is a kind of fixed assignment for a limited period of

time.

From a reading of Annexure-B there seems to be some problem which the authorities are facing and they decided to effect a change. It is in this background that the writ application came to be filed.

The respondents have explained the background in the counter affidavit, filed on their behalf and they have also brought on record series of decisions in regard to such disputes, which supports the stand that no person performing duty as a Block Resource Person has a substantive right to hang on the post even if his work is found unsatisfactory, which the respondents perceive as not conducive for running of the institution or the work and object for such assignment or responsibility is given upon an Assistant Teacher.

If a person's work is not found to be in order, the respondents surely can send him back to his substantive post of an Assistant Teacher and there is certain amount of leeway which is required to be given to the administrative authorities in this regard.

The Court comes to a considered opinion that there is no substantive violation of any law, rule or procedure of a decision-making.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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