

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24461 of 2013

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1. Bandana Kumari Wife Of Sri Himanshu Shekhar Pathak Lecturer (+2), Govt. Girl'S Inter School, Bhagalpur, Resident Of Mahalaxmi Bhawan, Nandlal Mishra Lane, Surkhikal, P.S.- Tilkamanjhi, Dist.- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Education, Government Of Bihar, Patna
2. The Principal Secretary, Department Of Education, Government Of Bihar, Patna
3. The Director, Secondary Education, Govt. Of Bihar, Patna
4. The Regional Deputy Director Of Education, Bhagalpur
5. The District Education Officer, Saharsa
6. The District Education Officer, Bhagalpur
7. Sri Arun Kumar Son Of Late Hem Narayan Yadav Instructor (Trade-Turner), Govt. Girls' Inter School, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Respondent/s : Mr. Neeraj Raj, AC to SC 19.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-04-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, petitioner is challenging the allotment of quarter to private respondent no.6, namely, Arun Kumar.

Brief facts of the case is that the present petitioner and respondent no.6 are teachers in the school. Respondent no.6 has been allotted quarter by the competent authority and he remained as neighbour with the petitioner for ten years. Some personal

dispute arose, criminal case and counter criminal case have been filed by both sides and they turned enemy to each other since then the present petitioner is challenging the allotment of quarter of respondent no.6.

As per learned counsel for the petitioner male teachers cannot be allotted quarter within the premises of the colony of Girls School rather they can only be adjusted outside colony. Allegation and counter allegation have been made by both parties. Higher Officers intervened in the matter tried to pacify and they found out solution by making alternative allotment of quarter to petitioner as well as to private respondent. As per new allotment the petitioner has been allotted quarter no.3 and private respondent no.6 has been allotted quarter no.8.

Learned counsel for the petitioner submits that respondent no.6 has obtained quarter on forged letters and from beginning he has been harassing the petitioner as she is lady teacher. He further submits that School Inspector was not competent authority to allot the quarter whereas learned counsel for the State submits that at the relevant time School Inspector had power, exercising that power allotted the quarter to respondent no.6.

The material available on record shows that husband of the

petitioner may not be living with the petitioner but other family members are there with the petitioner. This Court is not giving any opinion on the merit of the criminal cases as both sides have filed criminal cases against each other. The present writ petition is not a Public Interest Litigation but substantive petition has been filed against allotment of quarter to respondent no.6 that issue will be looked into by the Officer of the Education Department but certainly respondent no.6 has been allotted quarter by the competent authority and he has remained there for ten years.

In such view of the matter, this Court is not inclined to grant any relief.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

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