

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3019 of 2011

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Ajit Singh, son of Sri Baleshwar Singh, Contractual Physical Teacher,
Sarvodaya High School, Ganj Bharsara, Dinara, District- Rohtas (Bihar)
..... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary-cum- Commissioner, Human Resources Development Department, Govt. of Bihar, Vikash Bhawan, Patna (Bihar)
3. The Director, Secondary Education, Human Resources Development Department, Govt. of Bihar, Vikash Bhawan, Patna (Bihar)
4. The Regional Dy. Director of Education, Patna Division, Patna (Bihar)
5. The District Superintendent of Education, Rohtas at Sasaram (Bihar)
6. The District Education Officer, Sasaram, Rohtas (Bihar)
7. Sri Bijay Chaudhary, son of Sri Indra Deo Chaudhary, Contractual Teacher (Sanskrit), Sarvodaya High School, Ganj Bharsara, Dinara, District –Rohtas (Bihar)

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Respondent/s : Mr. AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 19-01-2016 Heard Sri Ashok Kumar, learned counsel for the
petitioner and learned AC to SC-3.

In the present writ petition filed under Article 226 of the Constitution of India, the petitioner has mainly prayed for quashing of an office order, contained in Memo No.1053 dated 08.06.2010 (Annexure-5 to the writ petition). By the said order, after superannuation of Incharge Headmaster, one Sri Bijay Chaudhary was authorized as Incharge Headmaster of Sarvodaya High School, Ganj Bharsara, Dinara, Rohtas.

Learned counsel for the petitioner admits that at the

time, when charge was given to one Sri Bijay Chaudhary, the petitioner was not having requisite qualification, whereas Sri Bijay Chaudhary, who has been arrayed as Respondent no.7 in the writ petition, was having B.Ed. degree and he was having requisite qualification. He submits that subsequently, the petitioner has also acquired requisite qualification for being appointed as Headmaster. Learned counsel for the petitioner makes a prayer that direction may be issued to the Respondents to consider the case of the petitioner for being appointed /posted as Headmaster since the petitioner has already acquired requisite qualification. Fact remains that the petitioner has prayed for quashing of authorization of Respondent no.7 as Incharge Headmaster of the concerned school and admittedly, at the time when charge was given, Respondent no.7 was having requisite qualification, whereas the petitioner was not having requisite qualification. In that view of the matter, the impugned order i.e. Annexure-5 of the writ petition may not be interefered with.

If so advised, the petitioner may approach the authority concerned regarding his claim for being appointed as Headmaster/Incharge Headmaster.

The writ petition stands disposed of.

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(Rakesh Kumar, J)