

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12274 of 2015

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1. Hari Narayan Roy S/o Late Nanipat Roy At present Headmaster Model High School Samastipur, R/o Village Jitwarpur Nijhamat, Ward No. 5, P.O. Jitwarpur, P.S. Jitwarpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar.
2. The Director, Higher Secondary Education, Patna.
3. The Joint Secretary, Education Department, Bihar, Patna.
4. The Secretary, Bihar Secondary School Examination Board, Patna.
5. The Regional Deputy Director.
6. The District Education Officer, Samastipur.
7. The District Programme Officer, Samastipur.
8. Hare Ram Singh, the Headmaster, High School Sarai Ranjan Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshri Kumar, Sr. Advocate
Mr Ajay Kumar Singh
Mr Amir Kashyap

For the Respondent/s : Ms Alka Verma, AC to SC 17
Mr Purushottam Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-09-2016

I.A. No.5727 of 2016 is allowed.

Keeping in view Annexure- 25, dated 15.1.2016 issued by the Director, Secondary Education, Government of Bihar the petitioner should not have any grievance any more. He has been allowed to continue in his present place of posting by staying the transfer order of the private respondent.

Learned senior counsel for the petitioner submits that because of the oversight or omission committed earlier by the concerned authority two people came to be posted on the same post.

Petitioner was already transferred and he joined the place of posting way back on 13.11.2014 itself. Therefore, the Court also fails to understand as to why the private respondent came to be posted a year after the petitioner's posting to the school in question. May be, the authorities has realized the folly, therefore, Annexure- 25 came to be issued.

It is also contended that the petitioner is not being paid his salary. If that be so, he may approach the concerned authority, who will look into the grievance because if the petitioner has been working, he should be entitled to his salary unless there are certain legal impediments coming in the way of the petitioner which I am informed by the counsel for the private respondent is because of the petitioner not being relieved from the previous post. That is another issue.

Writ stands disposed of.

(Ajay Kumar Tripathi, J)

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CAV DATE	
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