

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4732 of 2016

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1. Miss Raushan Arra Khatoon D/o late Jumrati Khan Resident of Village-Chuhari
PS Chanpatia, District West Champaran.

... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The District Education Officer, East Champaran, Motihari
3. The Block Education Officer, Madhuban, District East Champaran.
4. The District Programme Officer, Establishment, East Champaran.
5. Subash Ram S/o Guddar Ram Resident of Village- Banjaria PS Madhuban District West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Siya Ram Shahi

Mrs. Shally Kumari

For the Respondent/s : Mr. Manoj Kumar Ambastha- GP14

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-03-2016

Law has already been laid down at the level of the High Court one to many times that no Panchayat Teacher or Block Teacher appointed on contract basis can ever be allowed to officiate as Incharge of any school.

The Director, Primary Education has also issued circulars and directions in this regard. If that is so, the letter no.809, dated 5.12.2012 and letter no.345, dated 6.7.2013 is of no avail to anybody. In fact if any authority much less District Education Officer or District Programme Officer allows such teacher to officiate he should be suitably proceeded against in departmental proceeding

because it is a clear case of defiance of judicial pronouncements and they are also liable for contempt.

If this is so, the District Education Officer, East Champaran, Motihari will revisit the arrangement by virtue of which the petitioner and later on respondent no.6 were permitted to officiate as Incharge. Such a decision must be taken within a period of two weeks of production of a copy of this order.

Writ is disposed of with the above direction.

(Ajay Kumar Tripathi, J)

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