

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12868 of 2016

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Binay Kumar Nirala, aged about 31 years, son of Shri Upendra Prasad. Resident of Village + P.O.- Bhautauli Malpa, P.S.- Chautham, District- Khagaria.

.... Petitioner

Versus

1. Bihar School Examination Board (Senior Secondary) through its Secretary, Buddha Marg, Patna.
2. The Chairman, Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna.
3. The Secretary, Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna.
4. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
5. The Principal Secretary, Education Department, Govt. of Bihar New Secretariat, Patna.
6. The District Education Officer, Khagaria.
7. Sarita Kumari @ Sarita Devi, Headmistress of Dhanawati High School, Bhutauli, Malpa, District- Khagaria.
8. Ad-hoc Managing Committee of Dhanawati High School, Bhutauli, Malpa, District- Khagaria, through its Convener.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. SMT. BINITA SINGH- GP31

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-12-2016

A Physical Trained Teacher does not form the cadre of Assistant Teachers from where promotion is granted first as a Graduate Trained Teacher and then as a Principal. The Rules governing such promotions with regard to Assistant Teachers are codified so is the status with regard to Physical Trained Teacher. They are different set of Rules, which are governed as well.

2. Because of the nature of their hiring and engagement, they cannot be given benefit of heading the school even in officiating



capacity as a Principal because they are not treated as part of the cadre of Assistant Teachers by virtue of their training, education and the nature of responsibility also.

3. If that be so, the battle which has been initiated and fought by the petitioner against constitution of an Ad hoc Managing Committee by the Examination Board is like trying to create a ghost and fight it.

4. It is a misplaced kind of writ application and stands dismissed.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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