

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10590 of 2015

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1. Sunil Kumar Keshari, son of Dr. Bans Ropan Prasad Keshari Resident of Opposite D.A.V. School, Station Road, Buxar PS- Buxar(T) Distt- Buxar and posted at Middle School Dumari, District- Buxar and Presently deputed as Chuster Resource Centre Co-ordinator of Middle School, Kharhatar, PS- Simari, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Director, Bihar Education Project Counsel, Sarv Shiksha Abhiyan, Bihar, Patna.
2. The State Programme Officer, Bihar Education Project Council, Sarv Shiksha Abhiyan , Bihar, Patna.
3. The District Education Officer, Buxar.
4. The Principal DIET cum Member Secretary Dumraon.
5. The District Programme Officer, Buxar.
6. The Block Education Officer, Buxar.
7. The D.M., Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Kamal Deo Sharma
For the State	:	Mr. Bhaskar Shankar, AC to GP 16
For the BEPC	:	Mr Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-04-2016

The writ application has been filed by the petitioner with regard to two grievances. One, that he should be paid deputation allowance since 5.11.2007 because he has been working as Block Resource Centre Coordinator since then. The other relief which he has prayed for is to make entry in the service book of the earned leave which has accrued over a period of time.

Petitioner was appointed as an Assistant Teacher on 3.9.1994. Under scheme of things formulated in the year 2007 by the

State of Bihar and to augment the quality of the Teachers working in the cluster, persons having requisite exposure and experience were selected for the purposes of Centre Coordinator. That was an assignment given to Assistant Teacher and is not a deputation to the post which the petitioner is claiming in the present writ application.

The respondent State authorities have filed a counter affidavit and brought the scheme on record, a reading of which would clearly indicate the position so indicated in the earlier part of the order that the Centre Coordinator continues to be an Assistant Teacher and his substantive post remains as an Assistant Teacher when he is sent back after his term or even before completion of the term he goes back as an Assistant Teacher. Therefore, obviously the effort on the part of the petitioner is to earn a few bucks more for which neither his selection nor assignment indicates that it was a case of deputation.

The prayer in this regard, therefore, is rejected. Petitioner is not entitled to benefit of deputation allowance by any stretch of imagination.

So far as entry in the service book with regard to earned leave is concerned, that is a matter which is required to be looked into and will be dependent upon records with regard to the accrual of earned leave in favour of the petitioner. I am sure, the above position is verifiable from the records which are maintained with regard to the

period of work and leave which the petitioner had taken.

The Court directs that the issue of earned leave will be looked into by the competent authority and necessary entry will be made in his service book based on the actual accrual in this regard. Otherwise, the writ is dismissed with regard to first prayer for deputation allowance.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
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