

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.253 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 5982 of 1998**

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Harihar Prasad Singh, Son of Late Shri Babulal Singh, Assistant Teacher, Harsit High School, Akhtiarpur, Khajua, P.S. Sarairanjan, Distt- Samastipur

.... Appellant/s

Versus

1. The State of Bihar
2. The Director cum Special Secretary (Secondary Education) Government of Bihar, New Secretariat, Patna
3. The Secretary, Secondary, Primary and Adult Education, Government of Bihar, New Secretariat, Patna
4. The Director (Secondary Education) Cum Additional Secretary, Government of Bihar, Department of Human Resources, Budha Marg, Patna
5. The District Education Officer, Samastipur
6. Ram Lagan Singh, Son of name not known to the petitioner, the then acting Headmaster of the Harsit High School, Akhtiyarpur Khajuri, P.S.- Sarairanjan, District- Samastipur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Prakash Sinha, Advocate.

For the State : Mr. Anirudh Kumar Singh, Advocate.

For the Resp. No. 6 : Mr. Raj Shekhar, Advocate.
Mr. Umesh Prasad, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 25-07-2016

The challenge in the present Letters Patent Appeal is to an
order passed by the learned Single Bench on 30.08.2011, whereby the

writ application filed by the appellant for declaring that he is a founder Headmaster of Harsit High School, Akhtiarpur in the District of Samastipur, remained unsuccessful.

The name of the appellant was approved as teacher in the subject of Art and Craft, vide communication dated 09.05.1976, by the office of the *Bihar Madhyamik Shiksha Board*. Subsequently, on 11.06.1976, the District Education Officer send a communication to the Secretary, *Bihar Madhyamik Shiksha Board* that as the Headmaster is not recorded against the name of the appellant in the letter of approval dated 09.05.1976, therefore, the name of the appellant was recommended to be inserted as Headmaster. But, no such approval was granted by the *Bihar Madhyamik Shiksha Board*.

Since, there is no approval to the appointment of the appellant as Headmaster, the appellant cannot claim any declaration that he is a founder Headmaster. The entire claim of the appellant is based upon inter departmental communication (Annexure-4) dated 11.06.1976. Such inter departmental communication is part of the decision making process and not the decision itself. No right accrues to the appellant on the basis of such inter departmental communication. In absence of appointment letter of the appellant as the Headmaster, no question arises of his being declared as a founder Headmaster.

In view thereof, we do not find any merit in the present Letters Patent Appeal. It is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
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