

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1565 of 2013
IN
Civil Writ Jurisdiction Case No. 9918 of 2012**

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1. Kumari Meera Wife of Ashok Kumar Head Mistress, Upgraded Middle School,
Badhail, Khajoraha, Sonebarsa, District Saharsa

.... Appellant/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Government of Bihar
3. The Regional Education Deputy Director, Kosi Division, Saharsa
4. The District Education Officer, Saharsa
5. Brajendra Kumar Sahu, Block Education Officer, Sonbarsa Raj, Sehara
6. Smt. Kanti Kumari Wife of Prikar Yadav Resident Of Sakhari Sore Bazar,
Saharsa, District Saharsa

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Laxmi Narain Das
Mr. Subhdeep Das
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 03-03-2017

Delay of 53 days is condoned. I.A. No.8583 of 2013 is
allowed. Matter is taken up on merits thereafter.

By order dated 16.7.2013 passed in CWJC No.9918 of
2012, the writ application, which was moved by the appellant, was
dismissed refusing to give any relief or a direction to allow her to act
as Incharge Headmistress of the school in question.

The law is well settled that a Panchayat Teacher has no



right to claim such a position. That position is required to be held by a regular Teacher duly appointed by the State.

If this be the position in law then the learned Single Judge has committed no error in dismissing the writ application and passing no order in favour of the appellant to officiate or work as Incharge. Seniority in such cases has no meaning.

Certain subsequent developments have taken place, which have been brought on record through supplementary affidavit. That is a new cause on which this Court would not like to express its opinion.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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