

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4078 of 2017

- =====
1. Manoj Kumar Srivastava, Son of Sri Mahendra Prasad, State Secretary, Panchayat/Nagar Primary Teacher Association, Resident of Village + P.O.-Gaunaha, P.S.-Gaunaha, District-West Champaran.
 2. Ajay Kuamr Nirala, Son of Jagarnath Ram, Resident of Village-Dumariya, P.O.-Jamuniya, P.S.-Subhadra, District-West Champaran.
 3. Md. Naushad, Son of Md. Ekram, Resident of Village-Bakhari, P.S.-Belsandi, P.S.-Gaunaha, District-West Champaran.
 4. Akhileshwar Prasad Rai, Son of Sri Rajdeo Prasad Rai, Resident of Village-Dhurva Math, P.O.-Khairtiya Betia Dih, P.S.-Manua Pul, District-West Champaran.
 5. Janak Kumar Ranjan, Son of Late Badri Ram, Resident of Village +P.O.-Laxnauta, P.S.-Gaunaha, District-West Champaran.
 6. Sri Kant Baitha, Son of Sri Bharat Baitha, Resident of Village-Takiya, P.O.-Dumariya, P.S.-Shikarganj, District-West Champaran.
 7. Md. Sabir, Son of Md. Jahiruddin, Resident of Village-Kamta, P.O.-Padraun, P.S.-Sahodara, District-West Champaran.
 8. Suresh Kumar Disvah, Son of Sri Jai Narayan Disvah, Resident of Village-Sonbarsa, P.O.-Sherwa Masjidwa, P.S.-Matiariya, District-West Champaran.
 9. Chanda Kumari, Wife of Dipak Kumar Yadav, Resident of Village+P.O.-Sirisiya, P.S.-Bhairoganj, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department, of Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education, Officer, West Champaran, Bettiah.
4. The District Superintending of Education, West Champaran, Bettiah.
5. The Regional Deputy Director Education, Department, Tirhut Division, Muzaffarpur
6. The Block Education Extension Officer, Gaunaha, West Champaran, Bettiah.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
Mr. Avinash, Advocate

For the Respondent/s : Mr. P. N. Sharma, AC to AG

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 06-12-2017

Heard counsel for the petitioners and the State.

Counsel for the petitioners submits that in view of the
subsequent amendment in the Rule a Niyojit Teacher is also eligible



for promotion on completion of five years of service. If the Niyojit Teachers are entitled to be considered for appointment as Headmaster, there is no reason, not to post such Niyojit Teacher, as incharge Headmaster in the school.

In view of Annexure-1, this Court is not in a position to grant any positive direction to the respondents. However, if the petitioners represent the respondent Director, Primary Education, he shall take steps for appointment of regular headmaster in terms of the amended rule, wherein after five years, a Niyojit Teacher acquires eligibility for promotion as headmaster.

With the aforesaid observation, this application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2017
Transmission Date	NA

