

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1120 of 2017

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Birendra Kumar Ojha, Son of Late Ram Ayodhya Ojha, resident of village
- Kataru Dih, P.O. Chhap, P.S. Paroo, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. Director, Primary Education, Bihar, Patna
3. Commissioner, Tirhut Division, Muzaffarpur
4. Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
5. Block Education Officer, Paroo, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Madhaw Pd. Yadav-Gp23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

5 17-11-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Counsel for the petitioner submits that the totality of the facts situation would indicate the highhandedness of the authorities concerned in order to extend favour to the junior to the petitioner in the school as at the relevant time outgoing Head Master of the school handed over the charge to the junior to this petitioner who is senior most teacher of the school and as such he has approached the authorities in the Education Department for appropriate direction so that considering his seniority the charge of the Head Master of the school be handed over to the senior most



teacher and after the direction of the superior authority, the petitioner was handed over charge by his junior but no sooner the petitioner was handed over charge of the Head Master of the school by manipulation and in order to extend favour to the junior to the petitioner in the school, the petitioner has been ousted from the school so that the charge of the Head Master be again handed over to same person who is junior to the petitioner and as such Mr. Abhinav Srivastava submits that in the totality of the facts situation that this matter requires detailed enquiry by competent authority so that this kind of foul play may not be practiced in the administration of the school.

Considering submission of the petitioner and the background in which petitioner was transferred from the school in question and the charge of the school was handed over to the junior to this petition by outgoing Head Master of school once again the petitioner has been transferred from the school so that his junior may again be posted as in-charge Head Master in the school, I dispose of the writ petition with direction to the petitioner to file exhaustive representation before the Director Primary Education, Bihar, Patna (respondent no.2) who shall look into the representation of the petitioner objectively and pass a reasoned speaking order after proper enquiry into the allegation



which the petitioner is required to substantiate with reference to the materials, if such representation is filed before the respondent no.2, The Director Primary Education, Bihar, Patna shall dispose of the same after proper enquiry within a period of two months from the date of receipt of the representation alongwith a copy of this order.

In the meanwhile, the respondent no. 2 shall take steps for posting of regular Head Master in the school in stead of in-charge Head Master.

(Anil Kumar Upadhyay, J)

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