

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18724 of 2016

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Hare Ram Prasad Son of Late Mahavir Prasad, Headmaster Middle School, Rajendrapuri, Darbhanga and resident of village - Dath, P.O. Jayantipur, P.S. Ghanshyampur, District Darbhanga

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, New Secretariat, Patna
2. The Principal Secretary, Human Resource Development Department, Government of Bihar, New Secretariat, Patna
3. The Director, Primary Education, Human Resource Development Department, Government of Bihar, New Secretariat, Patna
4. The District Magistrate, Darbhanga
5. The Regional Deputy Director of Education, Darbhanga
6. The District Programme Officer (Establishment), Darbhanga
7. The District Education Officer, Darbhanga
8. The Block Education Officer, Darbhanga Town, Darbhanga
9. Smt. Kumari Chandrawali Pandey, Wife of Madan Mohan Pandey, In Charge - Headmaster, Middle School, Rajendrapuri, Darbhanga at present resident of Mohalla - Misratola, P.O. Lalbagh, P.S.-s Town, District Darbhanga

.... Respondents

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Appearance :

For the Petitioner : Mr. Yugal Kishore, Senior Advocate
Mr. Ugranath Mallik, Advocate

For the State : Mr. J. K. Roy-1, SC13

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-11-2017

Heard learned counsel for the petitioner and State.

2. The petitioner had initially moved before the Court for a direction to the respondent no.9 to hand over charge of Headmaster of the Middle School, Rajendrapuri, Darbhanga, which was not being done.

3. Learned counsel for the petitioner submitted that despite



the petitioner having been made the Headmaster of the said school, the respondent no.9, who was Incharge, was not handing over charge to him and he had moved the authorities which had also directed in favour of charge being given to the petitioner but still the same was not done. It was submitted that during the pendency of the writ petition, the respondent no.9 was also promoted as Headmaster on the basis of an order passed by the Appellate Authority but it was also directed that she be posted on a vacant post of Headmaster but surprisingly, the authorities transferred the petitioner to another school and made the respondent no.9, the Headmaster of the School where the petitioner was initially posted. It was further submitted that on 31st October, 2017, the respondent no.9 has superannuated and once again the post of Headmaster of Middle School, Rajendrapuri, Darbhanga has again become vacant and thus the petitioner can at least now be considered for being made Headmaster of that School.

4. On a query of the Court as to whether the order of transfer of the petitioner from the school in question to another school which was made in June, 2017 has been complied with, the answer is in the negative.

5. In view of the aforesaid, the Court is not inclined to pass any positive order in favour of the petitioner as he has failed to comply with the order passed by the competent authority relating to



his transfer. It need not be overemphasized that the orders passed by the competent authority are to be complied with strictly no matter whether they are right or wrong, which has to be decided either by the superior authorities or by a Court of competent jurisdiction but for a person to himself violate the same is impermissible and amounts to indiscipline and insubordination.

6. Be that as it may, the writ petition stands disposed off with liberty to the petitioner to represent before the competent authority with regard to his transfer as Headmaster of Middle School, Rajendrapuri, Darbhanga, which post, according to him has now become vacant. It goes without saying that such representation of the petitioner shall be considered on its own merits, in accordance with law, expeditiously. The Court would also indicate that it has not expressed any opinion with regard to the merits of the matter.

(Ahsanuddin Amanullah, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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