

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5159 of 2017

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Surendra Chaudhary, S/o Raghunandan Chaudhary, Resident of Village- Thali Bazar, P.S.- Govindpur, District- Nawada, presently posted as Panchayat Teacher Navsrijit Primary School Patluka, P.S.- Govindpur, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director, Magadh Division, Gaya.
4. The District Education Officer, Nawada.
5. The District Programme Officer (Establishment), Nawada.
6. The Block Education Officer, Govindpur, District- Nawada.
7. The Panchayat Secretary, Gram Panchayat Sughari, P.S.- Govindpur, District- Nawada.
8. Ajay Kumar, S/o Saukhi Ram, Resident of Akbarpur Chamartoli, P.S.- Akbarpur, District- Nawada presently posted as Navsrijit Primary School Patluka, P.S.- Govindpur, District- Nawada (transferred to Primary School, Pipra-2, P.S.- Govindpur, District- Nawada) (not joined).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate
For the Respondent/s : Mr. Binay Kumar Mishra, AC to AAG15
For respondent no.7 : Mr. Amresh Kumar Singh, Advocate
For respondent no. 8 : Mr. Pramod Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 17-04-2018

Heard learned counsel for the petitioner and the respondents.

2. The instant writ application has been filed by the petitioner for a direction to the respondents to consider his case for posting as incharge headmaster.

3. Learned counsel for the petitioner submits that the petitioner has joined the school earlier in time and as such he is



senior.

4. Both petitioner and respondent no.8 have joined the school on the same date before noon. There is no other criteria prescribed under Rule for determination of seniority. In absence of the statutory Rule or other Rules or norms for determination of the seniority, the Court is of the view that the age of the party joining on the same date in the before noon may be a rational criteria for determination of inter-se seniority. Since none of them are regular headmaster, respondents are required to take steps for posting regular headmaster in the school, in question, within a period of six months from today. Until posting of regular headmaster, whosoever may be found senior in terms of the criterion indicated herein above be given the responsibility of functioning as incharge headmaster.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.04.2018
Transmission Date	

