

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2451 of 2017

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1. Kameshwar Prasad, son of Kashinath Prasad, resident of Village- Bishunpura, Post- Sonhulla, PS- Gopalpur, District- Gopalganj.
 2. Ranjit Kumar Sahi, son of Vijendra Sahi, resident of Village and P.O.- Baldhari, PS- Kochaikot, District- Gopalganj.
 3. Mahanth Ram, son of Ram Prasad Ram, resident of Village- Sahpur Hata Tola, PO- Gopalpur, PS- Gopalpur, District- Gopalganj.
 4. Arun Kumar, son of Baliram Choudhary, resident of Kunwar Bathua, PO- Bathua, PS- Phulwariya, District- Gopalganj.
 5. Shailesh Kumar Rai, son of Shankar Rai, resident of Village- Basaunapur, PO- Dhebwa, PS- Gopalpur, District- Gopalganj.
 6. Digvijay Ranjan, son of Markandey Rai, resident of Village- Dharampur, PO- Sonhulla, PS- Gopalpur, District- Gopalganj.
 7. Lalit Tiwary, son of Tarkeshwar Tiwary, resident of Village- Tiwary Matihania, PO- Sipaya, PS- Bishambharpur, District- Gopalganj.
 8. Kiran Kumari, wife of Janardan Ojha, resident of Village- Patkhauli, PO- Musehari Bazar, PS- Vijaypur, District- Gopalganj.
 9. Bhuneshwar Tiwary, son of Brij Kishore Tiwary, resident of Village- Ahiyapur, PO- Ratanpura, PS- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Resource Development Department, Government of Bihar, 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 Superintendent of Education, Gopalganj.
5. The Block Education Officer, Kuchaykot.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akashdeep
For the Respondent/s : Mr. Madhukar Mishra- Sc16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 09-04-2018 Learned counsel for the petitioner is permitted to add

District Programme Officer as party respondent no.4.

Heard Mr. Akashdeep learned counsel for the



petitioner and the counsel appearing on behalf of the State.

Mr. Akashdeep learned counsel for the petitioner submits that under the 2012 rules respondents have formulated scheme for consideration and grant of promotion to the post of regular Headmaster of Niyojeet Shikshak. Mr. Akashdeep further submitted that for appointment by way of promotion on the post of regular Headmaster, respondents are not taking steps and large number of posts of Headmaster are lying vacant but the eligible Niyojit Shikshaks are deprived of right to consideration for promotion as Headmaster. He submits that in the instant case there is no regular teacher and yet the respondents are insisting the petitioner to hand over charge failing which the respondents have directed for lodging FIR. He submits that in the peculiar facts of this case respondents be directed to post regular Headmaster in the school and petitioner would hand over charge of the Headmaster as soon as regular Headmaster is posted in the school as there is no regular teacher in the school and only Niyojeet Shikshak are working in the school.

In the peculiar facts and circumstances of the case, the writ petition is disposed of with direction to respondent no.4, the District Programme Officer (Establishment), Gopalganj to



post regular Headmaster in the school within a maximum period of sixty days from today and after posting of regular Headmaster, the respondent authorities may consider the case of the petitioner alongwith others eligible Niyojeet Shikshak for consideration and grant of promotion in terms of Rule 15 (cha) of 2012 Rules which was introduced by way of amendment in 2012. Necessary decision with regard to promotion of the eligible candidates may be taken by the respondents at the earliest preferably within a period of six months from the date of receipt/production of a copy of this order.

It is needless to state here that after posting of regular Headmaster in the school and on handing over charge by the petitioner the respondents will withdraw direction whereby authorities were directed to lodge FIR in case provided petitioner hand over charge to the regular Headmaster within a period of 15 days from the date of posting of such regular Headmaster in the school.

With the aforesaid, the writ petition stands disposed of.

Ravi/-

(Anil Kumar Upadhyay, J)

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