

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17116 of 2014

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Lalan Kumar Thakur S/o Sri Ganesh Thakur, resident of village - Ladaut, P.S.
Benipatti, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Madhubani
5. The District Education Officer, Madhubani
6. The District Programme Officer (Establishment), Madhubani
7. The Sub Divisional Officer, Benipatti, Madhubani
8. The Block Development Officer, Benipatti, Madhubani
9. The Block Education Officer, Benipatti, Madhubani
10. Uday Das, Block Teacher, Middle School, Jarail, Benipatti Block, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Respondent/s : Mr. Sanjay Prasad, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-09-2018 Heard learned counsel appearing for the petitioner
and learned counsel representing the State.

The present writ application was filed by the petitioner for quashing the order contained in Memo No. 678 dated 08.07.2014, whereby the petitioner was asked to hand over charge of the school to private respondent no. 10.

The direction to hand over charge is precisely an administrative domain and the Court does not find it appropriate



to interfere with the administrative discretion of the authorities who have to look after the affairs of the school. From the writ petition it is not clear as to whether inter se seniority of the petitioner and respondent no. 10 was determined. Seeking relief to allow the petitioner to continue as incharge Headmaster of the school in the absence of determination of inter se seniority is unsustainable. In view of the above, the writ petition filed way back in the year 2014 does not warrant any interference as the interim arrangement as directed by the authority in the matter of school in question has continued for four years and now after four years there is no occasion to interfere with the interim arrangement.

However, liberty shall be available to the petitioner to approach the respondent authorities for determination of inter se seniority and for posting of a regular Headmaster in the school in question in the event inter se seniority has not yet been determined. Decision in respect of determination of inter se seniority of the petitioner and respondent no.10 shall be taken within a maximum period of four months from the date of receipt/production of a copy of this order.

In the meanwhile, the respondents shall also take steps to appoint a regular Headmaster in place of incharge



Headmaster.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

mrl./-

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