

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5184 of 2016

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Dip Narayan Prasad son of Late Chandrika Prasad, Resident of Village and Post- Hetimpur, P.S. Jamo Bazar, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar
2. The District Education Officer, Saran at Chhapra
3. The District Program Officer (Establishment), Saran at Chhapra
4. The Block Education Officer, Dariyapur, P.O. + P.S. Dariyapur, District- Saran at Chhapra
5. Nageshwar Kumar Nagesh working as Block Teachers in Upgraded Middle School Bhatwalia Anchal Dariyapur, District- Saran at Chhapra

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate Mr. S.K.Ranjan, Advocate
For the State	:	Mr.Anuj Kumar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-04-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner has challenged the communication dated 22.2.2016 whereby the petitioner was directed to handover the charge of Headmaster to respondent No. 5, Nageshwar Kumar Nagesh. We are in 2018.

In view of the aforesaid, the writ petition is disposed of with liberty to the petitioner to approach the District Education Officer, Saran at Chapra who shall examine the claim of the petitioner for being posted as incharge Headmaster in the school in question considering the fact that the petitioner is



regular Teacher, whereas the respondent No. 5 is Block Niyojit Teacher and this Court has already in various cases observed that regular teachers are preferred in the matter of posting as Incharge Headmaster until regular Headmaster is posted. The respondents are also required to consider their own guideline as contained in Annexures 3 and 4 while passing the order on the claim of the petitioner.

In view of the above, the respondent-District Education Officer is required to hear all persons likely to be adversely affected by such decision and after hearing the parties, pass appropriate order within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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