IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10262 of 2009

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Uma Shanker Yadav, son of Umraon Yadav, resident of Village- Purusottam Muda, P.O. Nanda Muda, P.S. Siswan, District-Siwan

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education-cum-Joint Secretary, Education Department, Govt. of Bihar, Patna
3. The Commissioner, Saran Division, Chapra
4. The Regional Deputy Director of Education, Siwan
5. The Collector, Siwan
6. The District Superintendent of Education, Siwan
7. The District Education Officer, Siwan
8. The Secretary, Managing Committee, High School, Siswan Kala, Siwan
9. Pashupati Nath Dwivedi, son of Jagarnath Dwivedi, resident of Village- Rampur, P.O. Rampur Ke Tola, P.S. M.H.Nagar Hasanpur, District- Siwan

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Narendra Kumar, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date : 30-07-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The present writ petition was filed on 20th August, 2009 raising grievance of seniority and posting of Incharge Headmaster.

3. There is no post of Incharge Headmaster. It is by way of interim arrangement that senior teachers are posted as Incharge Headmaster.

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4. The issue with regard to the inter se seniority of the petitioner and respondent No. 9 and direction for posting of petitioner as Incharge Headmaster in the High School is pending for last 9 years.

5. The Court does not find any justification to keep this writ petition pending. In case there is vacancy on the post of Headmaster, the respondent-District Education Officer is hereby directed to take step for posting of regular Headmaster as neither the petitioner nor the respondent No. 9 can claim posting as Incharge Headmaster, as a matter of right. The post of Headmaster is required to be filled by posting regular Headmaster.

6. With the aforesaid, the writ petition is disposed of with a direction to the District Education Officer to take steps for posting of regular Headmaster, if not already posted, within a period of six months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	

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