

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20800 of 2011

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Dr.Prem Kumar Singh, son of Sri Ram Tanik Prasad Singh, resident of village
Bibhutipur, P.S. Bibhutipur, District-Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Schedule Caste & Schedule Tribe Welfare Department,
Government of Bihar, Patna
3. The Deputy Director, SC & ST Welfare Department, Tirhut Division,
Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Mahasweta Chatterjee, Advocate Mr. Samir Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Rajiv Roy GP-1 Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 03-07-2018

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

2. The only issue warranting adjudication in the present writ petition is whether the RDDE, who is the appointing authority of the teacher, is competent to change the subject after the appointment of the petitioner is made.

3. From different annexures it appears that correspondences were made from one authority to another authority on the point but till date there is no decision of any competent authority that the RDDE, who is the appointing authority, has necessary power to change the subject of teacher.



4. Initially the petitioner was appointed as physical trained teacher and on his request, it appears that the RDDE has changed his subject of teaching from physical teacher to Mathematics on the request of the petitioner and thus the petitioner was converted as Mathematics teacher from physical teacher.

5. Learned counsel for the petitioner submits that the petitioner was allowed to work as Mathematics Teacher for considerably long period and thereafter the decision of the respondents to revert back the petitioner as physical teacher will cause immense hardship to the petitioner.

6. The Court does not find any authority or decision that the appointing authority can convert physical teacher as Math teacher. In the instant case the RDDE is the appointing authority who has converted the physical teacher to Mathematics Teacher. The Court deem it fit and proper to dispose of the writ petition with a direction to the Director, SC/ST Welfare Department to examine the claim of the petitioner and if it is permissible for the RDDE to convert the physical Teacher as Mathematics Teacher, he shall consider the case of the petitioner favourably. In case there is no such precedent or specific authority to the RDDE to convert the physical teacher as Mathematics Teacher, then he may pass appropriate order rejecting the claim of the petitioner. The entire



exercise in this regard must be completed by the respondents within a period of four months from the date of receipt/production of a copy of this order.

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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