

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22812 of 2012

=====

Manju Srivastava D/O Ravi Bhushan Verma Resident Of Prakash Nagar,
Nayatola, Narkatiya Ganj, District- West Champaran, At Present Block
Teacher, Government Middle School, Madhopur, Bairiya, Block- Gaunaha,
District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Education Department, Government Of Bihar, Patna.
3. The Director, Primary Education, Government Of Bihar, Patna
4. The District Education Officer, Bettiah, West Champaran.
5. Block Education Extension Officer, Gaunaha, District- West Champaran.
6. Lakshmi Prasad Yadav S/O Manejar Yadav Assisstant Teacher, Government
Middle School, Bairiya, District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Respondent/s : Mr. Dhurjati Kr Prasad

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-09-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner has filed the present writ application for a
direction to the respondents to declare the order dated 18.9.2012
as without jurisdiction.

The order dated 18.09.2012 is only for handing over
the charge of the school to respondent Lakshmi Prasad Yadav.
The decision dated 18.9.2012 was not interfered for the last six
years and today the Court does not feel inclined to decide the
issue as primarily it is domain of the authority of the Education
Department to examine the respective claim of the teachers and



determine inter se seniority.

So far as appointment of teachers as In-charge is concerned, there is no regular post of In-charge of the school and the In-charge is asked to officiate in absence of regular Headmaster. Therefore, the Court is not in a position to decide the issue whether the petitioner should be made In-charge Headmaster of the school or the decision of the respondents suffered from any infirmity by directing the petitioner to hand over the charge to the respondent Laxmi Prasad Yadav.

Learned counsel appearing on behalf of the respondent submits that petitioner belongs to cadre of Niyojeet Shikshak where respondent Laxmi Prasad Yadav is a regular teacher and in view of the guideline of the State, the decision of this Court that the teachers appointed on regular basis have precedent over the Niyojeet Shikshak in the matter of appointment of the In-charge Headmaster.

In view of the above, the Court does not find any merit in the writ petition. It is dismissed accordingly.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

