

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.848 of 2018

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Ram Naresh Prasad Thakur, S/o Sri Raghunath Prasad Thakur, Resident of Mohalla- Sahjadanand Colony, Rewa Road, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur, retired as Incharge Headmaster, Rajkiyakrit Middle School Repura & Upgraded Secondary School, Repura, Block- Marwan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Muzaffarpur, District- Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr. Sunil Kumar, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 11-05-2018 Heard learned counsel for the petitioner and the State.

The grievance of the petitioner in the present writ petition is non-payment of officiating allowance in terms of Rule 103 of the Bihar Service Code.

Learned counsel for the petitioner submits that the petitioner has discharged the duty of Headmaster of the school in question continuously with effect from 30th April, 2011 to 31st of May, 2016. He submits that the petitioner while officiating was holding the requisite qualification for the post of Headmaster in the upgraded high school. He submits that a Co-



ordinate Bench of this Court has laid down the principle of grant of officiating allowance in the case of Akhaury Dadan Prasad Vs. The State of Bihar & Ors. in CWJC No. 7725 of 2003 vide judgment dated 13.12.2010. The principle for payment of officiating allowance under Rule 103 of the Bihar Service Code has been discussed in various cases and the Courts have consistently held that if the incumbent was holding the qualification for the post and actually discharged the duty and responsibility of the higher post for a considerable long time, the respondents are required to ensure payment of officiating allowance under Rule 103 of the Bihar Service Code.

Considering the aforesaid and the fact that the petitioner has continuously worked for nearly 4 years on the higher post and discharged the responsibility of the post of Headmaster having all the qualification for the post, the Court has no hesitation in holding that the petitioner deserves officiating allowance in terms of Rule 103 of the Bihar Service Code.

Accordingly, the writ petition is allowed. The respondents are directed to ensure payment of officiating allowance for the period the petitioner has discharged the responsibility of the Headmaster within a maximum period of



three months from the date of receipt/production of a copy of
this order.

With the aforesaid, the writ petition stands allowed.

(Anil Kumar Upadhyay, J)

spandey/-

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