

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8598 of 2016

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Deepshikha Choudhary D/o Shashidhr Choudhary Resident of Village- West
Azimganj, P.O. and P.S.- Haveli Kharagpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through D.M., Munger.
2. Block Education Officer, Tetiya Bamber, District- Munger.
3. Secretary, Gram Panchayat Raj, Kesouli, District- Munger.
4. In-charge Heamaster, Primary School, Bisunpura, Tetiya Bambar, District-
Munger.
5. District Programme Officer, Establishment, Distt- Munger.
6. District Education Officer, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to - GP3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 27-02-2018

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

The grievance of the petitioner in the present writ petition is
that she proceeded on maternity leave and after availing the
maternity leave when she submitted her joining, she was not
allowed to join in the school in question. The District Programme
Officer has also issued direction on 16.6.2015 but the said
direction has not got any response. The Panchayat Secretary and



the Mukhiya of the Panchayat unit are creating impediment in the matter of joining of the petitioner.

If the appointment of the petitioner is legal and valid and she has submitted joining after availing maternity leave, the respondents are obliged to accept the joining of the petitioner and allow the petitioner to continue as Panchayat Shikshak. The attitude of the respondent Nos. 3 and 4 in the present case is contrary to law. The court has taken note of the fact that in numerous cases Panchayat Secretary and Mukhiya use to defy the direction of the DPO and other Officers of the Education Department.

Considering the fact that the DPO has issued direction vide letter dated 16.6.2014 for acceptance of joining of the petitioner, but the respondent Nos. 3 and 4 have not allowed the petitioner to join the school in question, the District Magistrate, Munger is directed to take appropriate action against the respondent Nos. 3 and 4, who are defying the direction of the District Programme Officer without any rational justification and not allowed the petitioner to join after availing maternity leave. The District Magistrate, Munger is expected to take appropriate steps within a maximum period of 60 days from the date of receipt/production of a copy of this order in order to ensure joining of the petitioner.



The District Magistrate may take all actions against the erring Officers particularly, the respondent Nos. 3 and 4 to ensure joining of the petitioner within the time frame as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2018
Transmission Date	

