

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20391 of 2014

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Babban Singh, son of late Basudeo Singh, resident of village-Kumhaila, P.S. Sukhpura, District-Ballia (U.P.) Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna
 2. The Director, Secondary Education, Government of Bihar, Patna
 3. The Regional Deputy Director (Education) Saran Division, Chapra
 4. The District Education Officer, Saran at Chapra
 5. Arun Kumar Pandey, son of late Parshuram Pandey, resident of village-Pandepur, P.S.-Bairia, District-Ballia (U.P.) Respondent/s
- =====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-10-2018 This case was earlier listed for admission on different dates but no one appeared on behalf of the petitioner.

As a matter of last indulgence to the counsel for the petitioner, today this case has been listed under the heading for “Dismissal” but even today no one appears on behalf of the petitioner to assist the Court.

Petitioner has filed the present writ application for quashing of the order contained in Memo No. 1173 dated 27.8.2014.

From perusal of Annexure-1, it appears that District Education Officer, Saran as a matter of interim management issued Annexure-1 authorizing the second senior teacher to act as in-charge Headmaster as senior most teacher has declined to act as in-charge Headmaster.

The issue of In-charge Headmaster does not require consideration at this stage. The order of Annexure-1 was issued on 27.8.2014. We are in 2018.



In view of the above, the order of interim management vide Annexure-1 does not merit any consideration at this stage as the Court does not find any material available on record to arrive at the finding that there is inter se seniority determine quo petitioner and other teachers and in absence of determination of inter se seniority, the Court does not find any justification to interfere at this stage. However, the respondents are required to take steps for posting of regular Headmaster to obviate the problem of In-charge Headmaster. They are also obliged to determine inter se seniority of the petitioner and respondent no.5 so that in future there may not be any occasion for raising dispute for In-charge Headmaster in the school.

Entire exercise in the matter of posting of regular Headmaster and determination of inter se seniority of the petitioner and respondent no.5 must be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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