

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15800 of 2012

=====

Kiran Kumari Wife Of Sri Krishna Chandra Rai, D/O Sri Bhagirath Sharma
Resident Of Village - Suro, P.S. Bachhwara, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Primary Education, Human Resources Development Department, Govt. Of Bihar, Vikas Bhawan, New Secretariat, Patna
3. The Director, Primary Education, Human Resources Development Department, Vikas Bhawan, New Secretariate, Patna
4. The District Magistrate, Begusarai
5. The District Education Officer - Cum - District Programme Officer, Begusarai, District - Begusarai
6. The Block Education Officer, Bachhwara
7. Pranav Kumar Rai Son Of Sri Paras Nath Rai R/O Village - Suro, Bachhwara, District - Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh
For the Respondent/s : Mr. Kumari Amrita

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 17-09-2018

This writ petition was filed for a direction to the respondents to appoint the petitioner as In-charge Headmaster of the Government Middle School. The petitioner claims that she is senior most among the employed teachers or any other regular teachers in the school in question.

2. The issue in question is pending for the last six years involving determination of inter se seniority and appointment of In-charge Headmaster. The dispute has occasioned on account of indecisiveness of the respondents in appointing and posting of the regular Headmaster in the school.



3. The writ petition was filed on 29.08.2012 and the same has been listed for the first time in 2018. With the passage of time, it appears that petitioner has lost interest and as such when the case was listed on different dates no one appeared on behalf of the petitioners to assist the court.

4. Under the compelling circumstances, the Court has listed this case today under the heading for “Dismissal” to provide one more opportunity to the petitioner

5. Considering the nature of the dispute and non-appearance of any counsel on behalf of the petitioner, the Court has reason to believe that interim management of In-charge Headmaster in the school in question has either come to an end by appointing regular teacher or the petitioner has lost interest in her claim for appointment as In-charge Headmaster in the school in question. There is no post of In-charge Headmaster and it is by way of interim management that the authorities of Education Department adopt so that day-to-day affairs of the school may not be adversely affected.

5. Noticing the statement made in Annexure-6, the Court has reason to believe that regular teacher has been posted in the school in question and in view of the policy decision for appointment of regular teacher, the Panchayat Shikshak and



Block teachers are not entitled to continue as In-charge Headmaster.

6. Considering the totality of the facts situation, the Court does not find any justification to interfere in the present proceeding.

7. Accordingly, the writ application stands dismissed.

Ravi/- (Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.09.2018
Transmission Date	

