

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2974 of 2018

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Asha Tiwari, Wife of Sri Shyam Bihari Tiwari, Resident of Village-Kathar,
P.S.-Krishna Brahm Sthan, District-Buxar, Presently Posted as an Assistant
Teacher in Higher Secondary, Government School, Tilauthu, Rohtas,

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Gvernment of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of BIhar, Patna.
3. The Director, secondary Education, (Madhyamik Shiksha) Education
Department, Govt. of Bihar, Patna.
4. The R.D.D.E., Patna Division, Education Department, Govt. of Bihar, Patna.
5. The District Education Officer, Education Department, Rohtas at Sasaram.
6. The District Programme Officer, (Establishment), Education Department,
Rohtas at Sasaram.
7. The District Magistrate (D.M.), Rohtas, District-Rohtas at Sasaram.
8. The Deputy Development Commissioner (D.D.C.) Cum Chief Executive
Officer, Zila Parishad, Rohtas at Sasaram.
9. The Superintendent of Police, (S.P.), Rohtas, District-Rohtas at Sasaram.
10. The Station Head Officer (SHO), Police Station-Tilauthu, District-Rohtas at
Sasaram.
11. Maiku Ram, Son of Sri Lalan Ram, Resident of Village-Raju Ramdihra, P.O.-
Hurka, P.S.-Tilauthu, District-Rohtas at Sasaram, at Present Posted as a Zila
Parishad Teacher in Higher Secondary School, Tilauthu, P.S.-Tilauthu,
District-Rohtas at Sasaram.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1981 of 2017

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Maiku Ram Son of Sri Lalan Ram Resident of Village-Raji Ramdihra, Post
Hurka, Block + P.S. Tilauthu District Rohtash at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The R.D.D. Education Patna Division, Patna.
3. The District Education Officer, Rohtash at Sasaram
4. The Deputy Development Commissioner Rohtash at Sasaram

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 2974 of 2018)

For the Petitioner/s : Mr. Dr. Chandra Shekhar Azad, Advocate

For the Respondent/s : Mr. Kameshwar Kumar- Gp17

(In Civil Writ Jurisdiction Case No. 1981 of 2017)

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Respondent/s : Mr. Kameshwar Kumar-Gp17



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 07-05-2018 Heard Mr. Jitendra Kumar Roy, learned counsel for the petitioner in CWJC No. 1981 of 2017 and learned counsel appearing on behalf of the State as well as the District Education Officer, Rohtas at Sasaram.

From various annexures it appears that mess has been created on account of different orders passed by the District Education Officer ignoring the direction and circular issued by the State Government in the matter of appointment of In-charge Headmaster in the schools. The orders are totally without jurisdiction as the District Education Officer is not entitled to ignore the directions issued by the superiors in the matter of appointment of In-charge Headmaster and regular Headmaster and their posting.

Considering the aforesaid, the court is of the view that corrective measures have to be adopted by the District Education Officer, Rohtas at Sasaram. Accordingly, he is directed to recall all the orders whereby Maiku Ram, petitioner in CWJC No. 1981 of 2017 has been made In-charge Headmaster of the schools in question. He is required to take step for posting of regular Headmaster in the school in question within a maximum period of 15 days from today and obtain *post*



facto approval of the Director failing which he will have to work as In-charge Headmaster to take care of the day to day requirements of school in question.

In the meanwhile, the District Education Officer, Rohtas at Sasaram is required to post any regular teacher in the school as In-charge Headmaster in accordance with law.

With the aforesaid, both the writ petitions stand disposed of.

The personal appearance of the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad and the District Education Officer, Rohtas at Sasaram is dispensed with.

(Anil Kumar Upadhyay, J)

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