

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6258 of 2017

Manoj Kumar, son of Late Baikunth Prasad Singh, resident of Chitragupta Nagar, Post Office- Khagaria, Police Station- Chitragupta Nagar, District- Khagaria. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
3. The Directorate of Secondary Education, Government of Bihar, Patna.
4. The Directorate of Secondary Education, Government of Bihar, Patna.
5. The District Education Officer, Khagaria.
6. The District Programme Officer, National Secondary Education, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Advocate
For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-03-2018 Heard learned counsel for the parties.

The grievance of the petitioner in the present writ application is the interim management made by the respondent by way of letter no. 550 dated 7.4.2017 whereby the petitioner has been directed to hand over his charge to one Md. Riyazul Haque, the Principal of Middle School, Mathar.

Learned counsel for the petitioners submits that the petitioner is the senior most teacher. He is entitled to continue as In-charge Head Master and a direction was issued by the respondent to hand over charge to Md. Riyazul Haque is arbitrary exercise of the power. The petitioner has neither impleaded Md. Riyazul Haque as party respondent in the present writ application nor he has placed on record any



document to indicate that being senior teacher has indefeasible right to continue as Incharge Head Master of the school.

Submission that he is the senior most teacher. He is said to be replaced by the junior does not merit any consideration in view of the fact that the petitioner is only assistant teacher and he has been asked to take over charge in the absence of regular Headmaster of the school. There is no post of regular In-charge Head Master recognized under the Act. It is by way of interim management and administrative exigency, the respondent authorities authorized senior teacher to work as Incharge Head Master of the school.

In the totality of facts situation, instead of keeping the writ petition pending, the court feels it fit and proper to direct respondent Director, Secondary Education, Government of Bihar to take steps for posting of regular Head Master in the school in question at the earliest preferably within a period of six months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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