

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13318 of 2017

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Mala Sinha Wife of Shri Kedar Prasad Singh at present working as Assistant Teacher in Government Girls Middle School, Kamruddinganj, Biharsharif, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education Patna Pramandal, Patna.
5. The District Education Officer, Nalanda.
6. The District Programme Officer (Est.), Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate
For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The present writ petition has been filed for a direction to the respondents to issue posting order pursuant to the order granting promotion dated 8.2.2013.

Learned counsel for the petitioner submits that the respondent-authorities are required to provide posting of the petitioner on her promotion in Subordinate Education Service vide memo no. 209 dated 8.2.2013.

A trivial issue like posting is pending before this Court on account of failure on the part of the respondents. The matter which was required to be considered at the departmental



level is pending before this Court and the Court is required to decide the issue as if the normal responsibility of the respondents has to be discharged by the Court or the Court has to step in the matter of taking routine decision. The Court never wishes that the administrative decision which was to be taken by the departmental authority is to be taken either by the Court or at the instance of the Court. These are the obligation of the State-authorities but the Court is constrained to step in the administrative affairs on failure of the administrative authorities in discharge of their duties. The present case is one of such cases where the department was required to take decision but on account of their failure the petitioner has to approach this Court for a direction to the respondents to take decision which was their obligation.

In view of the above, the writ application is disposed of with a direction to the Director, Secondary Education, Government of Bihar to take final decision in the matter of posting in accordance with statutory rule and Memo No. 209 dated 8.2.2013 within a maximum period of 60 days from the date of receipt/production of a copy of this order.

Let a copy of this order be forwarded to the Principal



Secretary, Education Department so that he may take into consideration the failure on the part of their officers in discharge of their duty and responsibility in the matter of posting.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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