

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7532 of 2018

Dr. Sanjay Kumar, Son of Late Braj Kishore Yadav, Resident of Village-
Garhi Vishanpur, P.O.- Kiul Railway Station, Police Station- Lakhisarai,
District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Patna.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The Deputy Director Secondary Education, Bihar Secondary Education Office Budh Marg, Patna.
4. The Regional Deputy Director of Education Munger Division, Munger.
5. The Collector, Lakhisarai.
6. The District Education Officer, Lakhisarai.
7. The District Programme Officer R.M.S.A. Lakhisarai.
8. The District Programme Officer Establishment Lakhisarai.
9. Rajeev Kumar, S/o Ram Lakhan Saw, Resident of Village- Agawanpur, Police Station- Barh, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan Sinha, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar -Gp17
For Respondent No. 9	:	Mr. Arun Kumar, Advocate
		Mr. Ram Vinay Prasad Singh @ Sanjay, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-05-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Considering the nature of the dispute involved in the
present writ application, the Court is not in a position to
authoritatively decide the claim of inter se seniority between the
petitioner and respondent No. 9 as both of them are claiming to
be eligible for appointment as incharge Headmaster of the
school in question. The Court is also of the view that there is no



post like incharge Headmaster. It is an interim arrangement on account of failure of the respondents to post regular Headmaster in the school.

In the peculiar fact of the case, the Court is of the view that this problem can be resolved by posting regular Headmaster in the school in question. If it is not possible for the present to post regular Headmaster, the respondents are required to first determine inter se seniority and the senior most teacher of the school may be posted as incharge Headmaster.

In view of the above, the writ petition is disposed of. The respondent-Director, Education Department, Government of Bihar is directed to consider the claim of the petitioner and respondent No. 9 and determine their inter se seniority. The respondent Director shall also consider the desirability of posting regular Headmaster in the school to obviate the problem of appointment of incharge Headmaster. The entire exercise with regard to determination of inter se seniority and posting of Headmaster must be taken by the respondents at the earliest preferably within a period of two months from today.

Even after the regular Headmaster is posted , the respondent, Director is required to determine inter se seniority of the petitioner and respondent No. 9 within the time frame



indicated hereinabove.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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