

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.676 of 2018
IN
Civil Writ Jurisdiction Case No. 1981 of 2017**

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Maiku Ram son of Sri. Lalan Ram, R/o Village-Raji Ramdihra, Post-Hurka, Block & Police Station-Tilauthu, District-Rohtas at Sasaram.

.... Appellant/s

Versus

1The State of Bihar.
2The R.D.D .Education Patna Division, Patna.
3The District Education Officer, Rohtas at Sasaram.
4The Deputy Development Commissioner Rohtas at Sasaram
5Asha Tiwary wife of Sri Shyam Bihari Tiwary, Assistant Teacher Higher Secondary School, Tilauthu Rohtas, Police Staion-Tilauthu, District-Rohtas at Sasaram.(Added through I.A.No.2162 of 2017)

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar Roy,Adv.

For the Respondent/s : Mr. Ashutosh Ranjan Pandey -AAG15
Mr.Narendra Kumar &Dr. Chandra Shekhar Anand,
Adv.(for respondent no.5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 17-05-2018

Finding that the writ petitioner-appellant was made In-Charge Headmaster by an order dated 29.05.2017 till posting of a regular Headmaster but thereafter no action was being taken to post a regular Headmaster in the school in question, the learned Single Judge had directed the District Education Officer, Rohtas at Sasaram, to recall all the orders by which the appellant had been made In-Charge Headmaster of the school and has directed the District Education Officer, Rohtas at Sasaram, to take steps for posting of regular Headmaster in the school in question within a period of 15 days from



the date of order and to 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. So far as this part of the order is concerned, learned counsel for the appellant has rightly not raised any grievance against the same because he understands that the petitioner-appellant was only authorized to act as In-Charge Headmaster of the school and had no right whatsoever to claim his continuation as a In-Charge Headmaster.

2. The grievance of the appellant is that the further direction to the District Education Officer, Rohtas at Sasaram, to post any regular teacher in the school as In-Charge Headmaster in accordance with law is not correct and according to the learned counsel representing the appellant such direction could not have been issued by the learned writ Court.

3. We are unable to agree with the contention raised on behalf of the appellant. The learned writ Court has committed no error in passing of the impugned order wherein by way of stop-gap arrangement the District Education Officer, Rohtas at Sasaram, has been asked to post any regular teacher in the school as In-Charge Headmaster in accordance with law for a period of 15 days during which he has to take steps for posting of regular Headmaster in the school.



4. No ground has been made out for us to interfere with the impugned judgment of the learned writ Court. The Letters Patent Appeal has no merit and it is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

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