

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12129 of 2018

1. Binod Chaudhary, Son of Late Lalchand Chaudhary, resident of Village-Barah, P.S.- Harnaut, District- Nalanda.
2. Ashok Kumar Chaudhary, Son of Sita Chaudhary, resident of Village-Daruara, P.S.- Noorsarai.
3. Omprakash Chaudhary, Son of Late Harihar Chaudhary, resident of Village-Ranipur, P.S. Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education Patna Division, Patna.
4. The District Magistrate, Nalanda.
5. The District Education Officer, Nalanda at Bihar Sharif.
6. The District Programme Officer (est), Nalanda at Bihar Sharif.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Respondent/s : Ms. Binita Singh, SC 28

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-09-2019

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present matter is part of the batch cases in which the lead case is MJC No. 4585 of 2018.

3. The case has been tagged with MJC No. 4585 of 2018 by order of a coordinate Bench dated 15.07.2019.



4. Having regard to the nature of relief sought, the Court has taken up the matter separately.

5. The petitioners have moved the Court for the following reliefs:

“(i) For direction the respondents to cancel the fresh posting order against the petitioners vide letter no. 1757 dated 05.05.18 where by and where under the petitioners have been posted as Headmaster against the letter no. 102 dated 30.01.13 and letter no. 240 dated 19.02.14 issued by the Director Primary Education, Bihar Patna in which it has been specific stated that newly promoted Headmaster shall be posted on seniority basis. Firstly the post of Headmaster to be filled up with regard to school of Drawing & disbursing officers, secondly in which school Sankul Sansadhan Kendra is running but ignoring the direction /guideline of the Director in spite of that the petitioners are in seniority list at serial no. 329, 324, 226 respectively but they have been posted in the school where Sankul Sansadhan Kendra is going on and about 10 to 20 kilometre far away from the school where they were working.

(ii) For direction the Respondents for issuance of order/direction to the petitioner for posting as Headmaster in general school like Middle school Jorarpur, Middle school Deepnagar, Middle school Mahananpur, Middle school Khasganj, Middle school Sahokar under Bihar Sharif Block or any other school under Bihar Block where post of Headmaster is still vacant.

(iii) For other order or direction in the facts and circumstances of the case in the interest of justice.”

6. Having considered the matter, the relief which the petitioners have sought is untenable in view of the fact that even if the policy of the State Government relating to posting of



Headmasters is considered, just because the school in which the petitioners have been posted as Headmaster is 10-20 KM away from his residence cannot be a ground to interfere in the order of posting dated 05.05.2018. It is not the case of the petitioners that there was any DDO post left vacant or that he despite having sufficient seniority, was not given a place of posting as per his choice. Thus, he cannot raise any grievance with regard to the posting order dated 05.05.2018, which was a common posting order relating to Headmasters in the district of Nalanda.

7. Moreover, learned counsel for the petitioners also submitted that they shall not be pressing the application.

8. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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