

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12763 of 2014

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Ajay Kumar Son of Sri Rameshwar Prasad Resident of village - Amouna, P.S. Daudnagar, District - Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna
3. The District Education Officer Est. , Aurangabad
4. The District Programme Officer, Aurangabad
5. The Block Education Officer, Daudnagar, Aurangabad
6. Smt. Nirmala Kumari Wife of Mahendra Prasad Resident of village - Amouna, P.S. Daudnagar, District - Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar
For the Respondent/s : Mr.Ga9- Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-02-2019 The present writ petition has been filed for quashing the order dated 25.06.2014 passed by the District Programme Officer (Establishment), Aurangabad whereby and whereunder the petitioner has been asked to hand over the charge of incharge Headmaster of Government Primary School, Amauna Anchal, Daudnagar, District-Aurangabad to the Assistant Teacher, namely, Smt. Nirmala Kumari i.e. the Respondent No. 6 herein on the ground that she is senior to the petitioner.

2. It has been stated in the writ petition by the petitioner that the petitioner had joined as Panchayat Teacher on 07.12.2006 in



Rajkiya Primary School, Amouna, Daudnagar, Aurangabad. It is further submitted that the private respondent no. 6 has also joined as Panchayat Teacher on 07.12.2006, however, percentage of marks of the petitioner was more than the respondent no. 6, hence, the petitioner is required to be treated as senior to the respondent no. 6 and accordingly, action was required to be taken.

3. Per contra, the learned counsel for the respondents, referring to the counter affidavit, has submitted that the guidelines dated 05.12.2012 issued by the Education Department, Government of Bihar, categorically specified that in case, two teachers are appointed on the same day, then the concerned teacher whose date of birth is earlier, shall be treated to be senior teacher. It has further been submitted that the date of birth of the petitioner is 1st March, 1971 whereas the date of birth of the private respondent no. 6 is 26.06.1967, hence, obviously, the respondent no. 6 has been treated to be senior teacher to the petitioner herein and accordingly, posting has been made.

4. Having regard to the aforesaid facts and circumstances of the present case, this Court is of the opinion that since as per the guidelines, the date of birth of the respondent no. 6 is earlier to



that of the petitioner, hence, she has been ranked senior to the petitioner herein.

5. For the reasons stated hereinabove, no interference is required in the present matter, hence, the writ petition is dismissed.

(Mohit Kumar Shah, J)

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