

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10446 of 2019

Dr. Kritanjay Choudhary Resident at Hanumannagar, Katira, Arrah, at present posted at Plus 2 School, Sarthua, Udwantnagar, Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. Principle Secretary, Education Department, Government of Bihar, New Secretariat, Patna
3. Secretary Education Department, Government of Bihar, New Secretariat, Patna
4. Director Secondary Education, Department of Education, Government of Bihar, Budh Marg, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-05-2019 The present writ petition has been filed for setting aside the order dated 26.09.2017 passed by the Special Secretary, Education Department, Government of Bihar whereby and whereunder the order dated 08.09.2017 declaring the petitioner to be the Incharge Headmaster has been stayed on the basis of the objection raised by the Member of Legislative Assembly and the Teacher's Association.

The learned counsel for the parties are in agreement that neither the Member of Legislative Assembly nor the Teacher's Association have got any role to play in the matter of the service of an employee of the State Government and the



State Government has to proceed in accordance with the rules framed under proviso to Article 309 of the Constitution of India, hence no action can be taken de hors the rule of law.

Having considered the facts and circumstances of the case, this Court is of the opinion that the order dated 26.09.2017 passed by the Special Secretary, Education Department, Govt. of Bihar is unsustainable, since the same has been passed contrary to the prevailing law, hence, the same is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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