

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9448 of 2018

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Bhai Bharat Bharati Son of Sri Utam Singh, Resident of Village P.O.- Arhwan,
P.S.- wazirganj, District- Gaya. at present in Charge Headmaster, Primary
School, Palanki, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna
2. Director, Primary Education, Government of Bihar, Patna.
3. District Magistrate, Nawada.
4. District Education Officer, Nawada.
5. District Programme Officer Establishment, Nawada.
6. Block Education Officer, Rajauli, District- Nawada.
7. Pinki Bharati, Wife of Ranjeet Kumar Verma, Daughter of Ganesh Prasad,
Resident of Village Nawadih, P.O. and P.S. Rajauli, District- Nawada.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13438 of 2018

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Pinki Bharti W/o Sri Ranjeet Kumar Verma, D/o Sri Ganesh Prasad, Resident
of Village- Nawadih, P.O. and P.S.- Rajauli, District- Nawada. ... Petitioner/s

Versus

1. The State Of Bihar through the District Education Officer, Nawada
2. The District Magistrate, Nawada.
3. The District Education Officer, Nawada.
4. The Block Education Officer, Rajauli, District- Nawada.
5. The Panchayat Secretary-cum-Member Secretary, Niyojan Ekai, Gram
Panchayat, Dhamni, Rajauli Block,
6. Bhai Bharat Bharati, S/o Sri Uttam Singh, Resident of Village- Adhwan,
P.S.- Wajirganj, District- Gaya.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 9448 of 2018)

For the Petitioner/s : Mr.Jitendra Prasad Singh

For the Respondent/s : Mr.Kameshwar Kumar -Gp17

(In Civil Writ Jurisdiction Case No. 13438 of 2018)

For the Petitioner/s : Mr.Jitendra Pd. Singh

For the Respondent/s : Mr.Rajesh Kr. Sinha

For private respondent : Mr. Aubit Katriyar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-02-2019

The aforesaid batch of writ petitions are being disposed of with the consent of the parties in terms of the following order being dictated hereinbelow.

As far as the first writ petition i.e. C.W.J.C. no. 9448 of 2018 is concerned, the petitioner has challenged the order dated 10.03.2018 passed by the District Education Officer, Nawada which has been belatedly passed under the garb of compliance of the order dated 05.12.2017 passed in C.W.J.C. no. 2575 of 2017, whereby and whereunder this Hon'ble Court had dismissed the writ petition as withdrawn. Therefore, this Court is of the opinion that the very purport of the impugned order dated 10.03.2018 is inconsequential and based on a foul pretext and the District Education Officer, Nawada has passed an order contrary to his earlier order dated 11.08.2016, whereby and whereunder he had declared the petitioner of the first case to be senior than the petitioner of the second case and accordingly, had posted the petitioner, who is senior, as Incharge Headmaster of Primary School, Palanki, District-Rajouli.

In view of the afore-said facts and circumstances, the impugned order dated 10.03.2018 cannot be sustained and is accordingly quashed, however with a direction to the District Education Officer, Nawada to independently exercise his mind without being prejudiced by any order of this Court and pass a



reasoned and detailed order after hearing the petitioners of both the cases and examining the relevant documents i.e. seniority list, educational qualification of both the petitioners etc. It is needless to state that the said order shall be passed by the District Education Officer, Nawada within a period of four weeks from the date of first appearance of petitioners of both the cases before the District Education Officer, Nawada which is fixed as 09.04.2019 at 10.30 am.

Now coming to the other aspect of the matter that the petitioner of the second case is not being allowed to join as the Principal In-charge of the Primary School, Palanki, Block-Rajauli, Dist-Nalanda, though she is the senior most teacher, for no fault of her, the said grievance is directed to be addressed by the respondent no. 4 forthwith, who shall also ensure payment of salary to her w.e.f. 10.03.2018 onwards, if there is no other impediment.

With the aforesaid observations and directions, the present writ petitions are disposed of with the consent of the parties so that the matter can be settled once and for all.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2019
Transmission Date	NA

