

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14646 of 2019

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Viggu Kumari Wife of Late Chandra Bhusan Prasad, Resident of Village and Post- Nishchalganj, Police Station- Ekangarsarai, District- Nalanda, Presently Posted As Assistant Teacher, Middle School, Navgarh, Hilsa, Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its, Principal Secretary, Department of Education (Primary), Government of Bihar, Patna.
2. The Joint Secretary, Department of Primary Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Dy. Director of Education, Patna Division, Patna.
5. The District Education Officer, Nalanda.
6. The District Programme Officer (Establishment), Nalanda.
7. The Block Education Officer, Hilsa, Nalanda.
8. Shri Suryavansh Mani, Son of Late Ramjee Prasad, Resident of Village- Manpur, Post- Dhangawan, Police Station- Hilsa, District- Nalanda.
9. Shri Binod Kumar, Son of Late Sudama Prasad, Resident of village- Ramdeha, Post- Amba, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh
		Mr.Lal Babu Singh
For the Respondent/s	:	Mr.Narendra Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-07-2019 Present writ application has been filed by petitioner for a direction to the respondents to allow the petitioner to work as In-charge Headmaster.

Learned counsel for the petitioner with reference to Annexure-3 submits that the District Education Officer, Nalanda has already decided the inter se seniority and declared this petitioner as senior most teacher.



From Annexure-3, it appears that the petitioner is not willing to join the post of In-charge Headmaster. According to the counsel for the petitioner the aforesaid assertion in the order dated 6.4.2019 is patently false and it is designed to make the junior teacher as In-charge Headmaster in the school.

Learned counsel for the petitioner with reference to Annexure-4 submits that Suryavansh Mani was the In-charge Headmaster of the school and he has been directed by Block Education Officer to hand over charge of the In-charge Headmaster to Binod Kumar who is junior to this petitioner.

There is no post of In-charge Headmaster. It is interim management so that routine work of the school may go smoothly.

Ordinarily, senior most teachers are appointed as In-charge Headmaster, in case, there is difficulty in allowing the senior most teacher to work as In-charge Headmaster then in that case next in seniority may be considered for the post of In-charge Headmaster.

Learned counsel submits that respondents admit seniority of the petitioner but on the pretext of unwillingness, junior of this petitioner has been made In-charge Headmaster.

Considering the aforesaid, the writ petition is disposed



of with direction to the Block Education Officer to cause notice to the petitioner, Suryavansh Mani and Binod Kumar within a period of one week from the date of receipt/production of a copy of this order and shall decide not only the issue of inter se seniority but on the issue of willingness of the petitioner to discharge responsibility of In-charge Headmaster and if the petitioner is senior most teacher and willing to discharge responsibility of In-charge Headmaster, the petitioner should be provided post of In-charge Headmaster of the school unless and until regular Headmaster is posted in the school.

Necessary decision in this regard may be taken by the Block Education Officer at the earliest, preferably within a period of 30 days from the date of receipt/production of a copy of this order.

Any dilly-dally on the part of Block Education Officer shall be viewed seriously.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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