

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16123 of 2019

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Ravindra Jha S/o Late Harshjeet Jha Senior Acharya Assistant teacher, Bharti Bhawan Sanskrit High School, Rosera, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Vikas Bhawan, Bailey Road, Patna.
2. The Bihar Sanskrit Shiksha Board Through its Chairman, Patna.
3. The Secretary Bihar Sanskrit Shiksha Board, Patna.
4. The Director, Secondary Education, Secondary Education, Education Department, Vikash Bhawan, Bailey Road, Patna.
5. The Joint Director Secondary Education, Education Department, Vikas Bhawan, Bailey Road, Patna.
6. The Regional Dy. Director of Education, Darbhanga Division, Darbhanga.
7. The District Program Officer, Establishment, Samastipur.
8. The Secretary, Bharti Bhawan Sanskrit High School, Rosera, Samastipur.
9. Padmaksh Kumar Pankaj S/o Sri Ramchandra Rai, Assistant TEacher, Bharti Bhawan Sanskrit High School, Rosera, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Abhay Shankar Singh, Advocate
For the BSSB	:	Mr.S.S.Sundaram, Advocate
		Mr. Shashank Shekhar Jha, Advocate
For the State	:	Mr. Rajesh Kumar Sinha, AC to GP 23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.

The present writ petition involves the issue of inter se seniority of the petitioner and respondent No. 9. It appears from Annexure-5 that both the petitioner and respondent No. 9 were noticed in connection with determination of inter se seniority but before final decision of the inter se seniority, the respondent



No. 9 approached the Regional Deputy Director of Education who passed order in favour of respondent No. 9 before determination of inter se seniority.

There is no post of Incharge Headmaster in any school. As a matter of interim arrangement the senior most teachers are posted as Incharge Headmaster until regular appointment or posting of regular Headmaster.

Considering the aforesaid, instead of keeping this writ petition pending, the Court would direct the respondent District Programme Officer (Establishment), Samastipur to determine the inter se seniority of the petitioner and respondent no. 9 after opportunity of hearing and thereafter he will pass appropriate order posting the senior most teacher as Incharge Headmaster until and unless regular Headmaster is posted in the school. Necessary decision in this regard must be taken by the District Programme Officer (Establishment), Samastipur within a maximum period of 35 days from the date of receipt/production of a copy of this order.

It is made clear that the order of the Regional Deputy Director of Education shall not come in the way of the District Programme Officer (Establishment), Samastipur in passing appropriate order with regard to posting of senior most teacher



as Incharge Headmaster in the school in question.

(Anil Kumar Upadhyay, J)

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