

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23826 of 2019

=====

Binod Kumar Singh, S/o- Raja Ram Singh, Resident of Village- Parariya, Post Office Dawat, P.S.- Suryapura, District- Rohtas, Sasaram, Bihar, Pin Code- 802226.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary, Old Secretariat, Patna.
2. Department of Primary Education through its Principal Secretary, New Secretariat, Patna.
3. Director, Primary Education, New Secretariat, Patna.
4. Regional Educational Deputy Director, Patna Division, Patna, Bihar Intermediate Council Bhawan, Budhha Marg, Patna.
5. District Education Officer, Rohtas, Sasaram.
6. District Programme Officer, Establishment, Rohtas, Sasaram.
7. Block Education Officer, Suryapura, Rohtas Sasaram.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dudheshwar Singh
For the Respondent/s : Mr. Ashutosh Ranjan Pandey (AAG15)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-12-2019 Heard both sides.

The petitioner has filed this writ petition to quash the office order No. 1405 dated 14.09.2019 and office order No. 157 dated 20.09.2019 issued under the signature of District Programme Officer, Rohtas, Sasaram, respondent No.6, and Block Education Officer, Suryapura (Rohtas), respondent No.7, by which the Block Education Officer, Suryapura relieved the petitioner from the post of Block Resource Person (BRP) and directed him to join on the post of Block Teacher in upgraded



Middle School, Kawai, Suryapura, Rohtas.

The learned counsel for the petitioner submits that the petitioner was working as Block Teacher but by the order of Principal, District Education Training Institute, Fajalganj, Sasaram the petitioner was selected to work as BRP on 06.05.2014 and since then the petitioner is working there but the District Programme Officer directed the Block Education Officer to relive the petitioner from the post of BRP as many complaints against the petitioner are pending before the Lokayukta and the petitioner has worked for more than five years on the post of BRP. In pursuance of the aforesaid direction of the District Programme Officer, the Block Education Officer relived the petitioner from the post of BRP and asked him to join as Block Teacher. It is submitted that, of course, the usual term of BRP is of five years but the same can be extended for more than five years but the petitioner has been illegally relieved.

The learned counsel for the State, however, submits that it is a stop gap arrangement. Usually, BRP is selected from amongst the teachers for smooth functioning of BRCC and CRCC. The petitioner himself filed petition to go on medical leave and on account of illness of the petitioner the functioning



of BRCC and CRCC was badly affected and considering these facts the District Programme Officer directed the Block Education Officer to relieve the petitioner from the post of BRP and asked him to join on the post of Block Teacher.

Having considered the submissions of both sides, I find that BRP is selected from the teachers for smooth functioning of BRCC and CRCC. The petitioner himself admitted that he was to proceed on leave on account of his illness. The District Programme Officer found that many complaints before the Lokayukta are pending against the petitioner and on such he directed the Block Education Officer to relieve the petitioner from the post of BRP. It is mere a temporary arrangement for smooth functioning of BRCC and CRCC and if the authorities found that BRCC is not being run properly the authorities are justified in reliving the petitioner from the post of BRP.

In this view of the fact, I do not find any merit in this writ petition and the same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/-

U			
---	--	--	--

