

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11577 of 2018

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Shambhu Kumar, Son of Late Shiyasharan Paswan, Resident of Village-
Bandoh, P.S.- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Magistrare, Nalanda.
5. The District Education Officer, Nalanda at Bihar Sharif.
6. The District Program Officer (est), Nalanda at Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Respondent/s : Mr. S C Mishra, SC 16

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-09-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present matter is part of the batch cases in which
the lead case is MJC No. 4585 of 2018.

3. The case has been tagged with MJC No. 4585 of
2018 by order of a coordinate Bench dated 15.07.2019.

4. Having regard to the nature of relief sought, the
Court has taken up the matter separately.



5. The petitioner has moved the Court for the following reliefs:

“(i) For direction the respondents to cancel the fresh posting order against the petitioner vide memo no. 1757 dated 05.05.18 where by and where under the petitioner has been posted as Headmaster from Middle school, Jorarpur under Bihar Block to Middle school Diha under Tharthari Block which is about 20 kilometre far away from his residence.

(ii) For direction the Respondents to issue fresh posting order to the petitioner where he is working as Headmaster on sanctioned & vacant post in Middle school Jorarpur under Bihar Block and no other Headmaster has been given for choice posting in this school.

(iii) For other order or direction in the facts and circumstances of the case in the interest of justice.”

6. Having considered the matter, the relief which the petitioner has sought is untenable in view of the fact that even if the policy of the State Government relating to posting of Headmasters is considered, just because the school in which the petitioner has been posted as Headmaster is 20 KM away from his residence cannot be a ground to interfere in the order of posting dated 05.05.2018. It is not the case of the petitioner that there was any DDO post left vacant or that he despite having sufficient seniority, was not given a place of posting as per his choice. Thus, he cannot raise any grievance with regard to the posting order



dated 05.05.2018, which was a common posting order relating to Headmasters in the district of Nalanda.

7. Moreover, learned counsel for the petitioner also submitted that he shall not be pressing the application.

8. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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