

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3623 of 2020

Bindu Kumar Son of Asharfi Prasad Resident of Village-Jibachhpur, Pandey Tola, Ward No.01, P.S.-Madhepura, District-Madhepura at Present Working as Assistant Teacher Sri Durga High School, Ghailarh, District-Madhepura.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Education of Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education of Department, Govt. of Bihar, Patna.
3. The Director Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Kosi Division, Saharsa, District-Saharsa
5. The District Education Officer, Madhepura, District-Madhepura.
6. The District Programme Officer (Establishment), Madhepura, District-Madhepura.
7. Sri Angad Kumar Son of Satrugan Yadav at present working as Assistant Teacher (Untrained) Sri Durga High School, Ghailarh, District-Madhepura.

... .. Respondents

Appearance :

For the Petitioner : Mr.Sharda Nand Mishra, Advocate
For the Respondents : Mr.Madanjeet Kumar GP20

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-02-2020 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

In this writ petition, the grievance of the petitioner is that he has been removed from the position of Incharge Headmaster despite the fact that he is seniormost teacher. Subsequently, the respondents have notified the order vide Annexure-9 which indicates that one Angad Kumar was made Incharge Headmaster. There is no post of Incharge Headmaster



but there is only interim arrangement.

Ordinarily, the seniormost teacher is deputed as Incharge Headmaster in the school concerned, it is submitted that in this case there is no determination of inter se seniority between the petitioner and respondent no. 7 as yet.

In view of the above, the writ petition is disposed of with a direction to the District Education Officer, Madhepura (respondent no. 5) to determine inter se seniority between the petitioner and respondent no. 7 after affording an opportunity of hearing to them and after determination of inter se seniority, DEO shall take appropriate decision in accordance with law at the earliest for posting of seniormost teacher as Incharge Headmaster in absence of regular appointment to the post of Headmaster. Necessary decision in this regard shall be taken by the District Education Officer, Madhepura within a period of three months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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