

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7252 of 2020

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Usha Kumari aged about 53 years, (Female) Wife of Kanhaiya Lal Resident of Village- Basantpur Patti Saloni, Police Station- Saraiya, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education Tirhut Division, Muzaffarpur.
4. The District Education Officer Muzaffarpur.
5. The District Programme Officer (Establishment) Muzaffarpur.
6. The Block Education Officer Saraiya, District- Muzaffarpur.
7. Rajdeo Sah Son of Late Manki Sah Resident of Village- Marwapakar, Police Station- Saraiya, District- Muzaffarpur, Presently posted as Headmaster, Middle School, Rewa Anchal- Saraiya, District- Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Sunil Kumar, Advocate
For the Respondents	:	Ms.Shilpa Singh, GA12
		Mrs. Abhanjali, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-09-2020 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

The petitioner is aggrieved by the order contained in memo no.75 dated 14.03.2020 and letter no.96 dated 29.02.2020 and letter no. 96 dated 29.02.2020.

Learned counsel appearing on behalf of the petitioner submits that the aforesaid decision is in the teeth of the departmental circular no. 240 dated 19.02.2014 issued by the



Director, Primary Education, Bihar and against the spirit of the order dated 30.11.2017 passed in CWJC No. 14170 of 2017 and the order dated 27.06.2019 passed in CWJC No. 5000 of 2018. Learned counsel submits that the petitioner was earlier posted at Upgraded Middle School Basant Patti, Saraiya. Against order of posting of the petitioner, respondent no. 7 preferred an appeal being Appeal No. 01 of 2017 before the Regional Deputy Director of Education, Muzaffarpur which was rejected on 29.05.2017 against which he preferred CWJC No. 14170 of 2017 which was disposed of by order dated 30.11.2017 and respondent no. 3 was directed to pass fresh order after hearing all concerned.

Learned counsel for the petitioner submits that the impugned order dated 28.02.2020 passed by the District Programme Officer is contrary to the circular of the Director, Primary Education, Bihar, Patna dated 19.02.2014.

Instead of going through the controversy whether the order of the respondents in exercise of appellate jurisdiction is lawful or not, the Court deems fit and proper that the petitioner may be granted liberty to approach the Director, Primary Education against the order of the Regional Deputy Director of Education and follow up order along with a copy of the order of



this Court, thereafter, Director Primary Education Government of Bihar, Patna (respondent no. 2) shall provide an opportunity of hearing to the petitioner as well as respondent no. 7 and pass an appropriate order after hearing the petitioner as well as respondent no.7 within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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