

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20130 of 2019

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Pankaj Kumar Son of Late Shatrudhan Prasad Yadav Resident of Village and
P.O.-Baraith Block-Sonbarsa, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Secretary, Education Department, Government of Bihar, Patna.
3. The Direcotor (Primary Education), Government of Bihar, Patna.
4. The Regional Deputy Director, Koshi Division, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Programme Officer (Establishment), Saharsa
7. The District Programme Officer-Cum-Member Secretary, District Elementay Teacher Establishment Committee, Saharsa.
8. The Block Education, Sonbarsa, Saharsa.
9. Smt. Vina Kumari Wife of Sri Abhay KUMar, Resident of Village-Tamkulha, P.O.-Baraith, Block Sonbarsa, District-Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey
For the Respondent/s : Mr. Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 06-03-2020 In the counter affidavit in paragraph 5 and 8, the
respondent no. 9 has taken the following stand:-

“That, in paragraph 11 of writ
application it is admitted that this respondent
no. 9 i.e. Smt. Vina Kumari was appointed as
an Assistant Teacher on 08.02.2012 and
thereafter she has been working as In-charge
Acting Headmistress since 29.12.2016 in the



said Middle School Tamkulha. It is further said that regular post of Headmaster was vacant in that school. It is wrongly submitted by the petitioner that respondent no. 9 violated the order of higher authority and that school is situated in her village made hindrance and not handed over the charge to the petitioner.

That, thereafter respondent no. 9 has come Middle School, Tamkulha on 25.07.2019 and she saw and verified that petitioner has signed on 15.07.2019 at attendance register in back date i.e. 03.07.2019 to 15.07.2019 which is quite illegal. That when respondent no. 9 asked the petitioner as regarding the back dated sign, then no satisfactory explanation was given by him. Thereafter petitioner threatened to respondent no. 9 and said that he is the Headmaster, therefore no any paper or explanation is required against him. That respondent no. 9 was pressurized by



petitioner to hand over the charge of Headmaster since 03.07.2019 as per mentioned the joining date in attendance register of July 2019. Therefore respondent no. 9 has denied to hand over the charge in back date i.e. 03.07.2019 as per sign on attendance register and she is always ready to handover the charge in proper way. Therefore respondent no. 9 has cut the back dated signature of petitioner and complained before D.E.O., Saharsa as regarding the back dated sign of petitioner. That respondent no. 9 has replied as regarding the show cause asked by B.E.O Sonbarsa with respect to charge in question.”

The present application is disposed of with the direction to the respondents to take appropriate decision in the light of the averment made in paragraph 5 and 8 of the counter affidavit as quoted hereinabove.

Rishi Kumar/-

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(Anil Kumar Upadhyay, J)

