

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8271 of 2020

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Avinash Kumar(Male, Aged about 34 Years), Son of Rajendra Prasad, resident of Village - Handia, P.S. Nardiganj, District - Nawada, At present posted as In Charge Head Master, Shivdani Ayodhya Inter School, Gopalpur, P.S./Anchal - Akbarpur, District - Nawada.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Education Officer, Nawada.
4. The District Program Officer (Establishment), Nawada.
5. Panel Nirman Samiti/Selection Unit, Zila Parishad, Nawada through it's Member Secretary-cum-DDC/CEO, Zila Parishad, Nawada.
6. Adhyaksha, Zila Parishad, Nawada-cum-Adhyaksha, Panel Nirman Samiti/Selection Unit, Zila Parishad, Nawada.
7. Ashyaksha, Siksha Samiti, Zila Parishad, Nawada-cum-Member, Panel Nirman Samiti/Selection Unit, Zila Parishad, Nawada.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Sidhendra Narayan Singh, Advocate
For the Respondents : Mr.Subhash Pd. Singh, GA 3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 21-01-2021 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

On 16.10.2020, this Court has noticed the submission that respondent District Education Officer has no jurisdiction to interfere with the affairs of the petitioner's services.

Learned counsel for the State, when confronted with this legal proposition, fairly submits that the service Rule does not permit the District Education Officer to interfere with the



affairs of the teachers appointed in Zila Parishad.

In view of the above, the Court is left with no option but to allow the writ application and quash letter no. 326 dated 16.03.2020 (Annexure-7). Consequently, all the subsequent action of the respondents is held to be without jurisdiction.

Accordingly, the writ application is allowed.

(Anil Kumar Upadhyay, J)

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