

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24552 of 2019

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Shashi Gupta W/o Dhurv Shankar Prasad Resident of Mohalla- Mahuava,
P.s.- Mahuava, Motihari, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna
2. The Director, Secondary Education, Dept of Education, Govt. of Bihar, Patna
3. Regional Deputy Director of Education Tirhut Division, Muzaffarpur
4. District Education Officer District- East Champaran, Motihari
5. Principal, Mangal Seminary Senior Secondary School, Motihari, District- East Champaran,
6. Md. Naziulla Khan Son of (not known to the petitioner) At present, illegally working as Assistant Teacher, Urdu, (without any Sanctioned post), Mangal Seminary Senior Secondary School, Motihari, District- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukul Sinha, Advocate Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC-16 Mr. Samir Kumar, Advocate
For Respondent No.6	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. Brisketu Sharan Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 04-02-2021

Heard the parties.

2. Petitioner has brought this writ application for direction to the respondents to allow the petitioner to join as Assistant Teacher in Sanskrit subject in Mangal Seminary Senior Secondary School, Motihari, East Champaran, where the petitioner was posted against the sanctioned vacant post in pursuance of the recommendation of the Divisional Education



Establishment Committee vide the referred notification.

3. Now the petitioner has already joined there. Hence, this grievance of the petitioner is redressed now. The only thing raised by the petitioner is that the petitioner has not got arrears of pay after joining in the school though the petitioner is getting the current salary. There is no reason that the respondent would withhold the arrears of salary.

4. The second prayer is to quash the letter/notification whereby respondent No.6 was allowed to join as Assistant Teacher Urdu without there being a vacant post in the Urdu subject in the aforesaid school.

5. It is for the respondent-authorities to examine whether any vacant post is there or not. This Court cannot go into the correctness of the transfer of respondent No.6 in that very school on the post of Assistant Teacher in Urdu department.

6. An interlocutory application has been filed by the petitioner vide I.A. No.1 of 2020 praying therein for amendment in relief portion by adding that since the petitioner is senior most teacher in the school, the petitioner should have made In-Charge Headmaster and not respondent No.6. Petitioner shall file representation before the Competent



Authority, who shall pass necessary order according to law within four weeks from the date of representation.

7. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	05.02.2021
Transmission Date	

