

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8330 of 2021

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Ajay Kumar, Son of Late Bachchu Prasad Yadav, resident of Village Chahal Mudera, P.O. Ghareya, P.S. Atri, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Education Officer, Gaya.
5. The District Programme Officer, Gaya.
6. The Block Development Officer, Atri, Gaya.
7. The Block Education Officer, Atri, Gaya.
8. Sri Vinay Prasad, son of not known presently posted as In-charge Head Master, Middle School, Chahal Mudera, Atri, Distt. Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC 4
		Mr. U.P. Singh, AC to SC 4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022 Petitioner has prayed for the following relief(s):-

“(i) For issuance of a writ of Certiorari for quashing of office order Memo no. 42 dt. 13.02.2020 passed by the Block Education Officer, Atri, Gaya whereby and where under Sri Vinay Prasad, Block Teacher (respondent no. 8) has been made the Incharge Head Master of Middle School, Chahal Mudera, Atri, Gaya after retirement of the Head Master of the school by super ceding the petitioner who is much senior



to Sri Vinay Prasad (respondent no. 8) and directed to hand over the full charge of the school to him with immediate effect in connivance with respondent no. 8 which is contrary to the notifications to the Education Department, Bihar, Patna.

(ii) For issuance of a writ of mandamus for commanding the respondents to take immediate action upon the matter who despite several representations made by the petitioner did not take any action and sitting tight over the matter as a result of which the petitioner who is most senior teacher of the school has been deprived from his genuine right of In-charge Head Master of the school.

(iii) For issuance of a writ of mandamus for direction to the respondent no. 7 and 8 to handover the complete charge of In-charge Head Master of Middle School, Chahal Mudera, Atri, Gaya forthwith to the petitioner as he is the senior most teacher of the school.

(iv) For issuance of any other relief/reliefs which may deem fit and proper to the facts and circumstances of the case and for which the petitioner entitle.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to approach the authority concerned (Respondent No. 4) for redressal of the grievances,



within a period of four weeks.

Prayer allowed. Liberty, as prayed for, is granted.

The present application is, accordingly, disposed of as withdrawn reserving liberty to the petitioner to file appropriate representation before the appropriate authority within a period of four weeks from today. If such a representation is filed by the petitioner within the stipulated time, the authority concerned is directed to consider the same and dispose it of expeditiously and preferably within a period of three months thereafter.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

K.C.Jha/DKS/-

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