

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16833 of 2022

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Tarun Kumar Son of Awadhesh Roy Resident of Rajaura, Begusarai, Bihar,
Student at Central University of Kashmir.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Patna.
3. The Director (Primary Education), Department of Education, Govt. of Bihar, Patna.
4. The District Education Officer, District----
5. The District Program Officer (Establishment), District----
6. The Vice-Chancellor, L.N. Mithila University, Kameshwar Nagar Darbhanga, District-Darbhangha.
7. The Principal RCSS College, Manjhual Begusarai.
8. The District Education Officer, Begusarai.
9. The District Program Officer (Establishment) Begusarai.
10. The Block Education Officer, Block-Cheriya Bariyarpur District-Begusarai.
11. The Block Education Officer, Block-Gadhpura, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Avanindra Kumar Jha, Advocate
For the Respondent/s : Mrs.Shilpa Singh (GA 12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 09-12-2022 Petitioner has prayed for the following relief(s):-



“(i) To hold and declare that, action / inaction of the respondent authorities / officer concerned of the State Govt. of Bihar, in engaging/deputing the teachers of the elementary (primary & middle) schools in activities/ duties, which are beyond the permissible limits / scope of the Section 27 of the Right to Education Act, 2009, (eg; deputing the teachers of elementary schools for the works of invigilator in colleges which are affiliated to universities. vide Annexure- 4 Series) and/or (deputing the teachers in the different offices and using their services virtually as postman of the department) is bad in law, and as such amounts to willful and grave administrative misconduct, and make such authority / officer concerned, liable for being punished with major punishment in regular departmental proceedings.

(ii) To hold and declare that, the respondent authorities / officer concerned of the State Govt. of Bihar, are under pious obligation and also bound by codified laws (**including rules & regulations made in consonance with Right to Education Act, 2009**) to take all necessary steps, for improving the School Education Quality (SEQ) in the State of Bihar.

(ii) For issuance of a Writ, Direction or Order in the nature of Mandamus, commanding the respondents concerned to ensure that, no teacher of any elementary (primary & middle) schools, shall be engaged/deputed in activities/ duties, which are beyond the permissible limits / scope of Section 27 of the Right to Education Act, 2009.

(iv) For issuance of a Writ, Direction or Order in the nature of Mandamus, commanding the



respondents concerned to constitute a committee which shall strive to improve the School Education Quality (SEQ), by regulating & monitoring the working of the govt. and/or govt. aided schools in the State of Bihar, in a fixed time frame, so as to insure the School Education Quality (SEQ) Index, (as delineated by **Niti Ayog**) is raised to its Maximum level.

(v) For issuance of a Writ, Direction or Order in the nature of Mandamus, commanding the respondents concerned to ensure minimum class hours and minimum academic days, in consonance with the Right to Education Act, 2009.

(vi) For grant of any other relief or reliefs to which the Petitioners may be found entitled to, in the facts and circumstances of this case.”

After the matter was heard for some time, finding the Court not in favour of the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to approach respondent No. 3, namely The Director (Primary Education), Department of Education, Govt. of Bihar or initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.



The petition is disposed of as withdrawn with the liberty aforesaid.

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

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-

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