

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2842 of 2023

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Bipin Kumar, S/o Late Baleshwar Singh, R/o Village- Makanpur, P.O.-
Habbipur, P.S.- Hilsa, District- Nalanda- 801302.

... .. Petitioner/s

Versus

1. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director of Bihar Education , (Project Council) Education Department.
3. The Director, Secondary Education Department, Government of Bihar, Patna.
4. The Director, Primary Education Department, Government of Bihar, Patna.
5. Regional Deputy Director, Patna Division.
6. The District Education Officer, Patna.
7. The District Programs Officer, (Establishment), Patna.
8. The Executive Officer, Member Secretary-cum-Block Development Officer, Bihta.
9. The Block Education Officer, Bihta.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Rai, Advocate

For the Respondent/s : Mr. Vikas Kumar, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 27-09-2023

1. Heard learned counsel for the parties.



2. The petitioner, who describes himself to be an advocate and a social activist, not having any direct or indirect personal interest in the matter has filed the instant Public Interest Litigation seeking a direction to the respondents not to make deputation of teachers in non-teaching fields/spheres except in decennial population census, disaster relief duties or duties relating to elections and for other reliefs.

3. The case of the petitioner is that deputation of teachers are being made in different departments contrary to the guidelines issued by the Education Department. Learned counsel for the petitioner by giving examples prays for conduct of enquiry in specific cases where the teacher concerned has been deputed in another school and thereafter without cancellation of the said order of deputation, contrary to the guidelines, she has been deputed in some other school. It is submitted that teacher concerned has neither worked in the first school nor in the second school where she was deputed.

4. A counter affidavit has been filed, sworn by the District Programme Officer, on behalf of respondent nos. 6 and 7 stating therein that the Block Education Officer vide letter dated 3.8.2023 has informed that all the deputations have been cancelled vide Education Department's order contained in



Memo no.1160 dated 1.7.2023 (Annexure- R6-7/C to the counter affidavit). Once again the respondents have come out with an office order contained in Memo no.1175 dated 4.7.2023 (Annexure- R6-7/D to the counter affidavit) issued under the signature of the Director (Administration)-cum-Additional Secretary, Education Department, Government of Bihar cancelling all deputations and directing all teachers to join their original place of posting within 24 hours or else further payment of their salary will be stopped. The order further states that the same has been passed on approval of the Additional Chief Secretary, Education Department, Government of Bihar and has come into force with immediate effect.

5. Having heard learned counsel for the parties and having perused the material on record, especially the order passed by the respondents contained in Memo no.1160 dated 1.7.2023 and Memo no.1175 dated 4.7.2023, both issued under the signature of the Director (Administration)-cum-Additional Secretary, Education Department, Government of Bihar cancelling the deputation of all teachers and directing them to join their original place of posting within 24 hours, in the opinion of the Court, there is no further requirement to keep the instant application pending.



6. The instant application/Public Interest Litigation
stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	28.09.2023
Transmission Date	N/A

