

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12005 of 2017

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Narnath Roy, Son of Umanath Ray Resident of Village - Rasalpur Dinantha,
Brahman Tola, P.S. - Rosera, District - Samastipur and presently working as
Chairman, Education Council, Block - Rosera, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The District Education Officer, Samastipur.
6. The Block Education Officer, Rosera, Samastipur.
7. The Block Development Officer, Block - Rosera, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Advocate
For the Respondent/s : Mr.Ashutosh Ranjan Pandey, AAG 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-04-2023

The writ petition is filed as Public Interest Litigation for a direction to the respondent authorities to implement the order of the Government issued by Letter No. 1123 dated 07.10.2016. The petitioner claims to be the member of a Panchayat Samiti and also the Chairman of the Education Council, Rosera Block, Samastipur District, actively working in



the field of education. Letter No. 1123 was also issued for the adjustment of teachers in Primary and Middle Schools in the ratio of 1:40 to comply with the stipulation in the Right to Education Act, 2009. The petitioner in the writ petition strangely speaks of “somewhere 15 teachers available on 30 students” (sic). A statistic is also provided as the data collected from the petitioner’s Block regarding the student teacher ratio, which is not authenticated.

2. A counter affidavit has been placed on record by the Block Education Officer, the 6th Respondent. It is pointed out that the petitioner is very much aware of the facts and circumstances, being the Chairman of the Block Education Council. Within the Block, the schoolwise details were worked out and 23 teachers, who were in excess of the ratio, were adjusted in various other schools. It is admitted that still there is shortfall in the ratio coming to approximately 310 teachers and the same is being filled up in due course and a mass selection process is initiated. As per the details regarding the action initiated against certain teachers, the letter dated 10.04.017 being a report submitted to the Block Pramukh-cum-Chairman of the Block Education Employment Unit, Rosera is explicit and the action against the teachers named therein were proceeded



with as also their salaries stopped. As far as relieving the teachers, off non-teaching work, yet another Public Interest Litigation is filed by the petitioner and in any event, none of the teachers, under the deponent of the affidavit, are deputed for non-teaching work.

3. In the context of the counter affidavit, we are of the opinion that the State is taking steps to fill up the vacant posts and satisfy the ratio under the Right to Education Act. We find no reason to keep the writ petition pending and close the same.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.04.2023
Transmission Date	

