

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6383 of 2021

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Ranjana Singh Wife of Shri Alok Kumar Singh Resident of Village and Post Office- Pachlakhi, Police Station- Nautan, District- Siwan. At present posted and Working as In-charge Headmaster in Govt. Primary School Pachlakhi, Anchal - Siwan Sadar, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary-cum-the Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment), Siwan.
7. The Block Development Officer, Siwan Sadar, District - Siwan.
8. The Block Education Officer, Block - Siwan Sadar, District - Siwan.
9. Smt. Asha Kumari, Panchayat Teacher Govt. Primary School Pachlakhi, Anchal - Siwan Sadar, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra
For the Respondent/s	:	Mr. Abhanjalli
		Mr. Bijay Prakash Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 18-07-2024

Heard learned counsel for the petitioner and learned counsels appearing for the respondents.

2. Learned counsel for the petitioner submits that the facts of the case, in brief, are that initially the petitioner was authorized to work as In-charge Headmaster of the Government Primary School Pachlakhi Kanya, Anchal-Siwan Sadar, Siwan on 12.04.2007, but later on the District Programme Officer



(Establishment), Siwan issued memo no. 96 dated 12.01.2021, by which, he has authorized the private respondent Asha Kumari to discharge the duties of Headmaster of Govt. Primary School Pachlakhi (Kanya) in place of the petitioner without appreciating the fact that the petitioner is senior to the private respondent on the basis of the date of joining. Subsequently, the salary of the petitioner has also been withheld since 04.12.2019 without any rhyme and reason.

3. Learned counsel for the respondents submits that both the petitioner and the private respondent no.9 have been absorbed as Panchayat Teacher with effect from 01.07.2006 and, therefore, their date of joining as Shiksha Mitra is not relevant for determination of seniority. In such situation where the date of joining is same, the seniority shall be decided on the basis of date of birth and on the basis of date of birth, respondent no.9 Asha Kumari is senior to the petitioner.

4. In such view of the matter, I deem it proper and in the interest of justice to direct the petitioner to file a detailed representation before the Director, Primary Education, Education Department, Bihar, Patna (respondent no.3) along with other documents in support of her claim within a period of four weeks from the date of receipt/production of a copy of



this order. The respondent no. 3 is well-advised to examine the claim of the petitioner and dispose of the representation of the petitioner by a reasoned and speaking order in accordance with law within ten weeks from the date of receipt of any such representation filed by the petitioner after affording an opportunity of personal hearing or through her counsel.

5. It is made clear that the respondent nos. 3 shall be personally held responsible for non-compliance of this order within the stipulated period.

6. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2024
Transmission Date	NA

