

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5448 of 2019

1. Md. Munib Ansari S/o Late Hasmat Ali Vill.- English, P.s.- Mairwa, Distt.- Siwan. At present posted and working as an Assistant Teacher in Govt. Town Middle School, Mairwa, Anchal- Mairwa, Distt.- Siwan
2. Raj Kumar Chauhan S/o Late Kapil Deo Chauhan Vill.- Kakariadih, P.s.- Darauli, Distt.- Siwan. At present posted and working as an Assistant Teacher in Govt. Town Middle School, Anugrah Nagar, Anchal- Mairwa, Distt.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Education Department, Govt. of Bihar, Patna
3. The Principal Secretary Finance Department, Govt. of Bihar, Patna
4. The Director Primary Education, Bihar, Patna
5. The District Magistrate Siwan
6. The District Education Officer Siwan
7. The District Programme Officer (Establishment) Siwan
8. The Block Education Officer Mairwa, Distt.- Siwan
9. The District Treasury Officer Siwan
10. The District Accounts Officer Siwan

... Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Madhaw Prasad Yadaw (GP 23)
: Mr. Rajesh Kr. Sinha, AC to GP 23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 30-01-2024 1. Heard learned counsel for the parties concerned.

2. Petitioner no. 1 is an Assistant Teacher in Government Town Middle School, Mairwa, District-Siwan and petitioner no. 2 is an Assistant Teacher in Government Middle School, Anugrah Nagar, Mairwa, District-Siwan. Both the petitioners have filed the present writ application for a direction



to the State Government to create Graduate Trained Posts in Arts and Science stream in both the Schools.

3. Learned counsel for the petitioners submits that the petitioners have been promoted as Graduate Trained Teachers and getting the salary of the Graduate Trained but in absence of the post of Graduate Trained Teachers in the aforesaid Schools, the actual posts are not being given to them. Learned counsel further submits that villagers have also filed representation for creation of posts.

4. Learned counsel for the State submits that petitioners have got no locus to file the writ petition. Moreover, the High Court may not issue direction to the State Government for creation of posts.

5. Having heard learned counsel for the parties, I find force in the arguments advanced by the State that creation of post is the domain of Government and a writ cannot be issued for creation of post. Accordingly, I do not find any merit in the present writ application, accordingly, the same is dismissed.

(Anil Kumar Sinha, J)

rinkee/-

U			
---	--	--	--

