

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3574 of 2024

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Pramila Kumari Vishwakarma D/o- Late- Rambriksh Vishwakarma, W/o-
Late- Pradip Lal Vishwakarma, R/o- Line Par Mirzapur, Professor Colony
Nawada, P.S- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, New Secretariat, At, Patna.
3. The Principal Secretary, Human Resources Department, Govt. of Bihar, at Patna.
4. The Director Senior Secondary Education, New Secretariat At Patna.
5. The District Magistrate, Nawada.
6. The District Education Officer, Nawada.
7. The District Programme Officer Establishment, Nawada.
8. The In-Charge Principal Kanhai Inter School, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma
For the Respondent/s : Mr. Government Pleader 24

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-02-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. By filing the present writ application, the petitioner has prayed for issuance of a writ of mandamus to the respondent Authority to relieve the petitioner from Kanhai Inter School, Nawada from the In-charge Headmaster post along with no-due certificate as she was officiating In-charge Headmaster and she has been working as non-regular teacher after taking the charge from the Headmaster who has retired from 28.02.2023. It has



been further prayed for issue direction to the respondent nos. 6 & 7 to accept the joining of the petitioner on provisional basis in newly appointed school till the disposal of the present writ application on account of her selection on the post of Senior Secondary School Teacher in B.P.S.C. Advertisement No. 26/2023.

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Municipal Council Higher Secondary Trained Teacher at Kanhai Inter School, Nawada in Political Science in the year 2013 and started discharging her duty with full dedication.

4. It is further submitted that the petitioner had applied for the Teacher Recruitment Examination Phase-1 in light of Advertisement No. 26/2023 published by the Bihar Public Service Commission and got no objection certificate from the Secretary-cum-Executive Officer Appointment Unit Municipal Teacher Council, Nawada as well as from Kanhai Inter School by the then Head Master for appearing in the aforesaid examination. She appeared in the aforesaid examination having Roll No. 907462 on 02.08.2023. After getting successful in the written examination, she was called for counselling-cum-orientation from the office of District Education, Nawada pursuant to which she participated in counselling and got provisional appointment



letter from the office of District Education Officer, Nawada on 02.01.2023. She along with other candidates also completed initial training programme held at Nawada and received the posting letter on 13.11.2023 and got posting at U.H.S. Tetriya School in Govindpur Block.

5. It is further submitted that after receiving provisional appointment letter to join at posting place, she required relieving letter along with no dues certificate from her posting school after giving the charge to respondent no.8 and for that she applied for these documents and also requested to the senior teachers of school to take charge from her because she is officiating In-charge Head Master after taking the charge from then Head Master, who had been retired, but the respondent no.8 refused to take charge and denied to issue no dues certificate.

6. It is further submitted that after retirement of the then In-charge Headmaster, in absent of any senior regular teacher, the petitioner received the charge from the then Head Master, namely, Surendra Pandey, who mentioned all the details of financial status of school in the report of in-charge which is still available in the account of school.

7. It is further submitted that when the request of the petitioner of relieving her by taking charge of the school and issuing the no dues certificate was refused by the respondent



authorities, the petitioner has sent several application to all instant respondent Authorities, but till now no positive step has been taken by them to address the genuine grievance of the petitioner.

8. Per contra, learned counsel for respondent no.4 submits that in pursuance of memo no. 443 dated 13.03.2023 issued by the District Education Officer, Nawada, the In-charge Headmaster Manoj Kumar vide his letter dated 20.03.2023 wrote to the petitioner to hand over the charge of the Headmaster to him. However, later on, vide letter no. 47 dated 24.03.2023, he wrote to the District Education Officer, Nawada that he has not been given the full charge of the Headmaster by the petitioner or by retired In-charge Headmaster, Surendra Pandey and no dues given by the petitioner to Surendra Pandey is not proper as he was involved in expenditure of different development projects. In view of the above, vide Memo No. 53 dated 08.04.2023, he wrote to the Director, Secondary Education that the earlier in-charge headmaster Surendra Pandey was involved in financial irregularity, so he has given charge to the petitioner and got no objection from her.

9. It is further submitted that the D.E.O., Nawada vide memo no. 369 dated 10.10.2023 directed the petitioner to hand over the charge of Headmaster to Mr. Manoj Kumar. This fact



was also brought to the notice of the petitioner by Mr. Manoj Kumar vide interval letter dated 14.10.2023 and on this letter, the petitioner marked that the financial report is still with Mr. Surendra Pandey and she has only been given the charge report by Mr. Surendra Pandey and as the petitioner has not given the financial charge of the school to the In-Charge Headmaster, she has not been given the certificate of no dues by the School.

10. Per contra, learned counsel for the petitioner submits that the allegation made against the retired principal Surendra Pandey is without any evidence and the petitioner has no concern with baseless allegation made in the counter affidavit and she has taken charge as per earlier procedure adopted by the respondent no.8 Manoj Kumar and other school teachers in same manner time to time.

11. Learned counsel for the petitioner further submits that the petitioner has only received charge report from retired in-charge Headmaster Surendra Pandey and financial report of the school is in custody of two school clerks, but the respondent Authority with intention to conceal and mislead the Court has manipulated the interval letter dated 14.10.2023 issued by Manoj Kumar.

12. It is further submitted that the act of respondent of not relieving the petitioner with no dues is arbitrary, illegal and



malafide and since in the counter affidavit, the respondent Authority has failed to point out any illegality on her part, she is entitled to be relieved with no dues certificate.

13. Considering the submissions advanced on behalf of the parties, I deem it fit to direct respondent no.8 to take charge of In-charge Headmaster from the petitioner and respondent no.6 is directed to relieve the petitioner from Kanhai Inter School, Nawada from the In-charge Headmaster post along with no-dues certificate. After relieving from the said school, respondent no.7 is directed to accept the joining of the petitioner on provisional basis in newly appointed school.

14. It is made clear that the entire exercise must be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

15. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

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