

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3367 of 2021

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Awasiya Vidyalaya (Kalyan Vibhag) Shikshak Sangh, Bihar, Patna through the Chairman, Sri Mithilesh Prasad Singh, Son of- Late Sitaram Singh, resident of Rambabu, Gur Kee Mandi, Gayghat, Police Station- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Finance, Government of Bihar, Patna.
4. The Principal Secretary, Schedule Caste/Schedule Tribe Welfare Department, Government of Bihar, Patna.
5. The Principal Secretary, General Administration, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mahasweta Chatterjee, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, AG
		Mr. Priyadarshi Matri Sharan, AC to AAG-15

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 12-02-2025

Ms. Mahasweta Chattarjee, the learned Advocate for the petitioner submits that with the promulgation of the Bihar Government Ambedkar Residential School Teacher (Appointment, Promotion, Disciplinary Action and Service Condition) Rules of 2023, most of the grievances of the petitioner have been redressed.



2. The only remaining objection is to the Clause 5 of the amended Rules of 2023, which provides that the Administrative Department of all categories of posts under the cadre shall be the Scheduled Caste and Scheduled Tribes Welfare Department, Government of Bihar, which will exercise administrative control over all cadre members; and the District Welfare Officers will have operational control over cadre members.

3. Commenting upon the aforementioned clause in the amended Rule of 2023, it is submitted that the Headmaster and the District Welfare Officer, both, are of the same level, drawing the same pay-scale and the salary of the Principal is higher than the District Welfare Officer.

4. In such case, it would look anomalous to give the control over the cadre to such officers who would be junior in rank and would be drawing lesser salary.

5. The administrative and operational control ought not to be taken akin to the position of a Disciplinary



Authority, who has perforce to be an officer of the superior rank.

6. The administrative and operational controls are matters of administrative convenience and the *inter se* seniority of the officers of the cadre would not make such clause in the amended rule questionable on any account.

7. With the redressal of the grievances of the petitioner with the amended rule, except for the one which has been flagged in the preceding paragraph and which is without any logic, there is nothing left for the petitioner to contest.

8. As such, the petition is consigned and disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Anushka/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
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