

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12857 of 2025**

Manoj Kumar Prasad Son of Punnilal Prasad Yadaw, Resident of Village-  
Lakari Near Kali Mandir, P.S. -Lakari Naviganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                             |
|----------------------|---|---------------------------------------------|
| For the Petitioner/s | : | Mr.Rakesh Ranjan,Adv.                       |
| For the Respondent/s | : | Mr. Sita Ram Yadav, Government Pleader (16) |
|                      |   | Mr. Rakesh Kr. Srivastava, AC to GP-18      |
| For BPSC             | : | Mr. Sanjay Prasad, Adv.                     |
|                      |   | Mr. Nishant Kumar Jha, Adv.                 |

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      18-08-2025                      Mr. Rakesh Ranjan, learned counsel for the  
  
petitioner, Mr. Rakesh Kumar Srivastava, AC to GP-18,  
  
representing State and Mr. Sanjay Prasad, learned counsel  
  
appearing for Bihar Public Service Commission are present.

2. The instant writ application has been filed for the  
following relief(s):-

*“(i) For issuance of writ of  
CERTIORARY for quashing the order bearing  
memo no.1837 dated 01.07.2025 issued under  
signature of The Director, Primary Education,  
Bihar, whereby and whereunder issued a list of*



*District wise allotment (Through the online) of Head Teachers in Primary School without following the Rules/Guide lines of merit-cum-choice policy made posting of petitioner under Araria District and distance above 400 Km far from the house of petitioner.*

*(ii.) For issuance of appropriate writ in the nature of MANDAMUS for commanding and directing the respondent authorities for allotment of posting to the petitioner under home district & home Block, because wife of the petitioner is working as an Angan Wari Sevika at home Village-Lakari, as well as he faces several difficulties as liability of education of the children and his/her livelihood.*

*(iii.) For issuance of an ad interim direction upon the concerned respondent authorities under the Education Department of the State Government to refrain from giving effect to the recommendations and allotment of districts in respect of Head Teachers as communicated by the impugned order dated 01-07-2025 bearing memo no- 1837 in so far as the same relates to the present petitioner during the pendency of the present writ application.*

*(iv.) For issuance appropriate writ in the nature of MANDAMUS for commanding and directing the respondent authorities for disposed of the representation filed on 19-07-2025 before the Additional Chief Secretary, Education*



*Department Bihar, Patna as well as Director,  
Primary Education Bihar Patna.*

*v.) For issuance of any other  
appropriate writ/writs, order/orders,  
direction/directions for which the writ petitioner  
would be found entitled under the facts and  
circumstances of the case.*

3. Learned counsel for the petitioner submits that the petitioner was appointed against the post of Headmasters on the basis of process selection conducted by the Commission pursuant to Advertisement no. 25/2024 in terms of the provisions contained in the Bihar Elementary School Head Teacher Rules, 2024 (for short 'the Rules, 2024'). It has further been submitted that *vide* Notification dated 20<sup>th</sup> February, 2024, Department of Education came out with 'the Rules, 2024' wherein the provisions of appointment and service conditions of the teachers have been laid down.

4. From bare perusal of 'the Rules, 2024' it would demonstrate that the said Rules contains detailed provisions with regard to the constitution of the cadre, procedure for appointment, reservation, seniority as well as transfer and other ancillary matters pertaining to the Head teachers to be appointed in the Elementary Schools in the State of Bihar.



5. It has next been submitted that Rule 7 of the aforesaid Legislation would demonstrate that the persons appointed as against the post of Head Teachers were transferable in accordance with the provisions contained in 'the Rules, 2024' which prescribes that the Head Teachers could be transferred within and outside the District on his/her request by the Director (Primary) Education and the said benefit was to be claimed as a matter of right and the Administrative Department could refuse such request depending upon the exigencies.

6. It is the case of the petitioner that the petitioner was appointed as Head Teacher pursuant to the Advertisement made by the Bihar Public Service Commission and the requisite test conducted by the Commission in which the petitioner had participated for his consideration and accordingly, was given an appointment against the post of Head Teachers in the Primary School in the State of Bihar. The petitioner further submits that on the basis of performance of candidates in the process of selection conducted by the Commission, the provisional merit list in respect of candidates, who have been found to be successful in the process of selection, was prepared and accordingly, the verification of credentials in respect of educational qualifications was also made. It has next been



submitted that in terms of the Notification issued by the Administrative Department, the candidates were also supposed to give options and preferences for being posted in the Districts of their choice and further Blocks within the Districts were also to be indicated on the portal of E-Education Cell within the stipulated period. The Committee so constituted is said to have examined the merit-cum-choice and has given posting to all such successful candidates who have appointed as against the post of Head Teachers. The petitioner has further submitted that notwithstanding the fact that the Department has formulated a policy which is contained in Memo No. 1837 dated 01.07.2025, and the same speaks of posting being done by applying the principles of merit-cum-choice but unfortunately, in the case of present petitioner, despite the fact that the petitioner has secured higher position in the merit prepared by the Commission in the said process of selection and the same has been ignored and the allotment of the Districts as per the preference has not been given to this petitioner.

7. It has next been submitted that a large scale illegalities have been committed in the matter of allotment of Districts by the concerned authorities under the State Government and while doing so, the principles of merit-cum-



choice as formulated by the State Government has been violated and even the choice so sought by the State Authority for considering and the allotment of the Districts has not been respected. The petitioner, in such backdrop, has also filed a representation before the Director, Primary Education wherein it has categorically been stated that initially the petitioner was allotted Gopalganj District but in the second list, the District Araria has been allotted which is said to be 400 Kilometres from the place where he is presently residing and has also indicated his difficulties in joining the said post which would be evident from the representation so submitted which appended as Annexure-P/8.

8. Considering the policy which is said to have been formulated by the State Government for allocation of Districts as per merit-cum-choice opted by the concerned candidates for being posted as Head Teacher in the District of his choice, it is expected that the parties must abide by their own policy, which they have brought into being for bringing uniformity in the matters of posting and since, the petitioner is aggrieved by the action of the authorities in changing the District, which was initially as per his choice. In such view of the matter, the authorities are obliged to take a call by considering the



representation filed by the petitioner for the purpose of giving appropriate posting in terms of the principles so formulated by the State Government.

9. In such view of the matter, the present petition is disposed of with a direction that the authorities concerned must consider the representation so filed by the petitioner within a period of eight weeks so that the appropriate posting of the Head teachers as per merit-cum-choice of positing can be effected in accordance with law and the object of such posting at appropriate Districts is not frustrated in any manner.

10. The instant writ petition stands disposed of with the aforesaid directions and observations.

**(Ajit Kumar, J)**

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