

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13659 of 2025**

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Rajesh Shahi Son of Shri Awadhesh Shahi, Resident of Village-Mairi Dalip, Gobindpur, Near School, Mora, Police Station-Bhagwanpur Hat, District-Siwan. At present posted and working as an Exclusive Teacher (Vishisthan Shikshak) in Govt. New Primary School Salempur, Anchal-Bhagwanpur Hat.  
... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
  2. The Director, Primary Education, Bihar, Patna.
  3. The District Education Officer, Siwan.
  4. The District Programme Officer (Establishment), Siwan.
  5. The Block Education Officer, Bhagwanpur Hat, District-Siwan.
- ... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate  
For the Respondent/s : Mr. Government Pleader (14)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      01-09-2025                      Heard the learned counsel for the petitioner and the  
learned counsels for the respondents.

2. The petitioner has filed the present writ application for a direction to the respondent authorities to consider the case of the petitioner for his posting in any nearer school situated in Anchal/Block-Bhagwanpur Hat District-Siwan, as the petitioner who was an Exclusive Teacher working in Govt. New Primary School Salempur, Anchal-Bhagwanpur Hat, District-Siwan.

3. Learned counsel for the petitioner submits that petitioner was selected as a Head Teacher by the Bihar Public Service Commission, Bihar, Patna. He has been posted in Govt. Primary School Bankajua, Anchal-Bhagwanpur Hat, Districtk-



Siwan which is about more than 10 kilometers from the place of his residence. The petitioner is physically challenged person having 60% disability with his leg.

4. Learned counsel for the State submits that the State Government has adopted the policy of merit-cum-choice in a case of initial posting of Head Teacher/Head Master, which decision of the State is directly linked with their merit(s), the choice of place of posting depending upon the merit(s) has to be adhered to. The candidate higher in merit has a better right to be given the choice of place of posting in preference to person lower in merit.

5. The Co-ordinate Bench of this Court while hearing bunch of the writ petitions of Head Teachers and Head Master, vide judgment dated 30.08.2025, passed in C.W.J.C. No. 11252 of 2025 has taken note of the factual position to the extent that out of 35334 Head Teachers, 32,672 were allocated districts as per their choice and only 2662 successful candidates were allocated districts through randomization. The Court has also noted the facts that there is difficulties of the State to accommodate each of the candidates in their preferential districts as it would not be possible in the case of non-availability of the vacancy in their preferential district(s) and thus respondent authorities cannot be compelled to give preferential treatment to all those who have secured their position in their respective category below the person who have



given preferential allocation based upon merit-cum-choice.

6. The Co-ordinate Bench of this Court in identical matter has directed the committee which has been assigned the task of allocation of the preferential districts by inviting objections of the aggrieved Head Teachers/Head Masters, whose postings were decided on the basis of randomization to frame the model for redressal of grievance of allocation of nearby district after inviting objection.

7. In the present case the petitioner had given the option of the same district of Siwan and he has been posted in the Siwan itself on the basis of his merit position. Only grievance of the petitioner that he has been posted in the School which is situated more than 10 kilometers from his residence.

8. Considering the fact that the petitioner has been posted in the same district as per his choice, the contention of the petitioner that his school is situated at the distance of 10 km cannot be entertained.

9. Accordingly, the present writ application is dismissed.

**(Anil Kumar Sinha, J)**

Siwani/-

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