

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13131 of 2025

=====

Mamta Kumari W/o Sudhir Kumar Singh, R/o Village and P.O.-
Raghunathpur, P.S. - Morwa, District Samastipur, at present posted as
Panchayat Teacher at Government Kanya Primary School Raghunathpur,
Block - Morwa, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Darbhanga Division, District - Darbhanga.
4. The Regional Director of Education Purnia Division, District - Purnia.
5. The District Education Officer, Samastipur, District- Samastipur.
6. The District Education Officer, Araria, District - Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. Government Pleader (6)

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 21-08-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

*(i) For issuance of a writ in the nature of
Certiorari or any other appropriate
writ/order/direction for quashing/ setting-aside the
order dated – 01.07.2025 bearing Memo No. -
1837, issued by the Director, Primary Education,
Education Department, Bihar, Patna, (Respondent
No. - 2) so far it relates to the petitioner by which*



the allotment of districts on the basis of application submitted by the Head Teachers appointed on the basis of the recommendation made by a letter dated 19.11.2024 by the concerned authorities under the Bihar Public Service Commission, Patna (hereinafter referred to as "the Commission") have been allotted districts purportedly on merit-cum-choice basis, by which in the most illegal and arbitrary manner, even without taking note of the merit position of candidates and also the preferences submitted by them allotment of districts have been effected and petitioner who is a physically disabled person, has been allotted/posted in Banka district i.e. more than 200 K.M. from Home district (Samastipur). 4 A copy of order contained in Memo dated - 01.07.2025 is annexed hereto and marked as Annexure - P/1 to this writ application.

(ii) Further, for issuance of a writ in the nature of other appropriate or any Certiorari writ/order/direction for quashing/setting-aside the order dated - 14.07.2025, bearing Memo No – 1934, issued by the Director, Primary Education, Bihar, Patna, so far it relates to the petitioner, by which a list of allotment of schools in the districts allotted vide order dated - 01.07.2025 (Annexure - P/ 1), has been published at the website of the Department.

(iii) Further, for issuance of a writ in the nature of Mandamus or any other appropriate



writ/order/direction commanding the concern respondent authorities under the Education Department of the State Government to refrain from giving effect to the allotment of districts/schools in respect of the present petitioner as in blatant disregard of the preferences submitted by the petitioner despite having a better merit position than the other candidates, he has been allotted the district Banka in contrary to the preference submitted by him in furtherance of the order dated 01.07.2025 (Annexure - P/1) in view of the fact that notwithstanding the better higher position, the preferences submitted by the petitioner has been ignored and the persons below the petitioner have been allotted the districts/choice of the present petitioners.

(iv) Further, for issuance of a writ in the nature of Mandamus or any other appropriate writ/order/Direction commanding the concern respondent authorities under the Education Department of the State Government to undertake a fresh exercise with respect to allotment of districts in respect of the Head Teachers appointment on the basis of the recommendation as contained in a letter dated - 19.11.2024 issued by the Bihar Public Service Commission pursuant to the process of selection conducted in furtherance of advertisement 6 No. - 25/2024 published by the Commission while applying the principle of merit-cum-choice in a letter and spirit and accordingly,



while taking note of the merit position of the present petitioner and other similarly situated persons appointed against the post of Head Teachers allot him the district on the basis of the preferences submitted by the petitioner.

(v) Further, for issuance of an ad interim direction upon the concern respondent authorities under the Education Department of the State Government to refrain from giving effect to the recommendations and allotment of district/school in respect of Head Teachers as communicated by the impugned order dated - 01.07.2025 (Annexure - P/ 1) and order dated - 14.07.2025 (Annexure - P/9) so far as the same relates to the present petitioner during the pendency of the present writ application.

(vi) Any other relief that the petitioners may be found to be entitled to in the facts and circumstances of the present case.

3. Learned counsel for the petitioner submits that *vide* notification dated 20.02.2024, the petitioner being eligible for the post of Head Teacher, as per the Bihar Elementary School Head Teacher Rules, 2024, she applied for the said post pursuant to the advertisement No.25 of 2024 and after having qualified for the necessary test which was carried out by the Commission, the petitioner was selected and thereafter, the



Department undertook the exercise of posting and for allocating districts, the candidates were asked to submit their choice for respective districts and in terms of the policies framed by the State Government, three choices were supposed to have been given.

4. It is the case of the petitioner that the petitioner had given three choices, namely, Samastipur, Vaishali and Begusarai. The concerned Department undertook the process of allocation of districts and the petitioner initially in the first round of allocation, was granted Araria and on a representation having been submitted, the case of the petitioner was considered and thereafter, the district was allocated by the Department of Education and while allocating, the option given by the petitioner was not considered and the district which is allocated in respect of the petitioner was never his first choice and the petitioner is being compelled to go to Araria district.

5. This Court has passed various orders with regard to the issue in question dated 18.08.2025 passed in C.W.J.C. 12859 of 2025 and 12875 of 2025 wherein, this Court has directed the authority to consider the case of the petitioner in terms of the merit-cum-choice policy, which is to be adopted in terms of the policy framed by the State Government. The relevant portion of



the order is reproduced hereunder :-

“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.”

6. It is the case of the petitioner that the petitioner has already been represented before the authorities and at this stage, the petitioner proposes to file a detailed representation before the authorities and if the said representation is filed, the authority shall consider the same strictly in accordance with the policy framed by them and the same shall be decided within a period of six weeks from the date of receipt of copy of this order and after the representation is considered by them, the same shall be communicated to the petitioner.



7. Accordingly, the writ petition stands disposed off.

(Ajit Kumar, J)

sharun/-

U			
---	--	--	--

