

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15669 of 2025

Pratima Kumari D/o Ramvilas Singh, Resident of Village- Raghunathpur, P.O. and P.S.- Hulasganj, District- Jehanabad (Bihar) and is presently posted as In-Charge Head Teacher at Middle School, Nerma, Hulasganj, Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary-cum-Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Magistrate, Jehanabad.
6. District Education Officer, Jehanabad.
7. The District Programme Officer (Establishment), Jehanabad.
8. Block Education Officer, Hulasganj, Jehanabad.
9. Archana Kumari, Daughter of Shailendra Prasad, Resident of Chandani Chowk, P.O. and P.S.- Seikhpura, District- Seikhpura. At present joined on the post of Head Teacher at Middle School, Nerma, Hulasganj, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the Respondent/s	:	Mr. Akshay Lal Prasad, AC to GP-13 Mr. Ravi Kumar, AC to GP-13
For the Resp No.9	:	Mr. Shashank Chandra, Adv. Mr. Nitish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-11-2025 Heard learned Advocate for the petitioner and the State as well as the learned Advocate for the respondent no.9.

2. At the outset, learned Advocate for the petitioner seeks permission to make necessary correction in the cause title of the petitioner.

3. Permission is accorded.



4. The petitioner by invoking the jurisdiction of this Court seeking quashing of the memo no. 2257 dated 02.08.2025 issued by the District Program Officer (Establishment), Jehanabad to the extent by which he has directed to all the Block Education Officers of the district-Jehanabad to ensure that the charge of the school falling under their block be handed over to the newly appointed Head Teachers who are presently on probation period and consequently the petitioner, who is a Graduate Trained Teacher and In-charge Head Teacher since 06.04.2012 has been forced to handover the charge to respondent no.9, the newly appointed Head Teacher through BPSC.

5. By the order dated 22.09.2025, this Court considering the submission of the petitioner that ignoring the petitioner's seniority, a person junior to him has been directed to take charge of Head Teacher, passed the interim order, directing to maintain the *status quo* until further orders.

6. I.A. No.1 of 2025 has been filed on behalf of respondent no.9, for vacating the order of *status quo*, as afore-noted. A specific averment has been made that the respondent no.9 was duly appointed as Headmaster through Bihar Public Service Commission for high school i.e. 9 to 12 standard,



whereas the petitioner is the In-charge Head Teacher of Elementary School. Both the schools are functioning in the same campus, and, as such, the petitioner as an interim measure is acting as an In-charge for the higher school as well. It is further contended that the petitioner is a Teacher in primary school whereas respondent no.9 has been appointed as Headmaster of high school; hence, both the posts are of two different cadres but the petitioner deliberately portrayed herself to be a senior most teacher of high school in order to mislead this Court. The writ petition is said to be suffered from the vice of *suppressio falsi* and *suppressio veri*.

7. A counter affidavit has also been filed on behalf of the State and the entire scenario has been explained. It is duly averred and clarified that the petitioner has no vested right to continue as In-charge Headmaster of Class 9 to 12 as there exist two different institutions, Upgraded Middle School, Nerma and Upgraded High School, Nerma. Since respondent no.9 has been duly appointed as Headmaster of the Upgraded High School, Nerma (Class 9 to 12) whereas the petitioner shall continue in his post pertaining to Upgraded Middle School, Nerma and shall not be disturbed unless and until a regular Headmaster is appointed or promoted as per the prescribed rule.



8. This Court has heard the learned Advocate for the respective parties.

9. Though, this Court was initially under impression and intended to hold the petitioner guilty of perjury, however, noting the facts and the fair stand of the State that despite the posting of the respondent no.9 as Headmaster in Upgraded High School, Nerma, the continuation of the petitioner in Upgraded Middle School, Nerma shall not be affected, as the petitioner was only made In-charge of the Upgraded High School, because of there having been no Head Master posted since long; takes the lenient view in the matter.

10. Accordingly, this Court, on being found no merit in the present writ petition, dismiss the same.

11. Respondent no.6 is directed to ensure that the charge of Head Master be handed over to the respondent no.9 forthwith.

(Harish Kumar, J)

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