

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17961 of 2023

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1. Rina Kumari wife of Sri Shailesh Kumar Thakur Resident of Mohalla- Sarai Sadiad Ali Lane No.1, Mahammadpur Kazi, P.O. Muzaffarpur, P.S. Kazi Mohammadpur, District - Muzaffarpur, presently posted as the Headmistress, Marwari Middle School, Saraiyaganj, Town Area, Muzaffarpur.
 2. Rupam Kumari wife of Manoj Kumar, Resident of Near Sobha Market, Khabara Road, P.O. Muzaffarpur, P.S. Muzaffarpur Sadar, District -Muzaffarpur presently posted as the Headmistress, Yamuna Middle School, Naya Tola, Town Area, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education Education Department Government of Bihar, Patna.
4. The Regional Deputy Director of Education Tirhut Division, Muzaffarpur
5. The District Education Officer, Muzaffarpur, District - Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur District - Muzaffarpur.
7. Sri Manoj Kumar, son of not known to the petitioner Presently posted as the Headmaster, Adarsh Middle School, Saraiyaganj, Town Area, District - Muzaffarpur.
8. Sri Sanjay Tiwary not known Presently posted as the Headmaster, Home for the Homeless Middle School, Muzaffarpur, Town Area, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Standing Counsel 6

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-02-2025 Heard the learned counsel for the petitioner and

learned counsel for the State and learned counsel for the private

respondent.

2. The present writ petition is filed for the following



reliefs:

I. For issuance of an appropriate writ in the nature of CERTIORARI for quashing of the second part of paragraph no.5 of the order dated 27.10.2023 passed by the Respondent no.3 and contained in memo no. 1936(A) dated 30.10.2023, whereby and where under the Respondent no.3 has been pleased to issue a direction that after merger of Primary/Middle School, the senior most teacher of original Middle School will be Headmaster of the School on the ground that the said order is contrary to the seniority Rule as well as instruction issued by the Principal Secretary, Education Department contained in paragraph no.7 of memo no.942 dated 21.02.2018 according to which the senior most teacher amongst the merged school and original school will be Headmaster of the school after merger.

II For issuance of an appropriate writ in the nature of CERTIORARI for quashing of the second part of paragraph no.1 of office order dated 27.11.2023 passed by the Respondent no.3 and contained in memo no. 7667 dated 27.11.2023, whereby and where under the Respondent no.5 has been pleased to issue a direction that after merger of Primary/ Middle School, the senior most teacher of original Middle School will be Headmaster of the School pursuant to the order passed by



the Respondent no.3.

III For a declaration that the senior most teacher will be the Headmaster of the school amongst the merged school as well as original school after merger of the two middle schools.

IV For a issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to post/ treat the petitioner no.1 as the Headmistress of Adarsh Middle School, Saraiyaganj, Town Area and the petitioner no.2 as the Headmistress of Middle School, Home for the Homeless, Town Area on the ground that the petitioners are senior most teacher in their respective schools after merger of merged school in original school even from the Respondent nos. 7 and 8 respectively.

V For issuance of any other appropriate writ/writs. order/orders, direction/directions for which the writ petitioners would be found entitled under the facts

VI For issuance of an appropriate writ in the nature of CERTIORARI for quashing the office order issued under the signature of the Respondent no.6 and contained in his memo no. 182 dated 09.01.2023. whereby and where under the Respondent no.6 has been pleased to pleased put the petitioner under suspension and her headquarter has been fixed in the Block Education Office, Kanti for the alleged charge



that the petitioner no.1 could not hand over the charge of merged school to the Headmaster of original school.

3. Considering the relief prayed for in the writ petition, I direct the petitioner to file a detailed representation before respondent no. 2, the Additional Chief Secretary, Education Department, Government of Bihar, Patna within four weeks and upon receiving such representation the respondent no. 2 shall pass a reasoned and speaking order according to the law within one month after hearing the parties.

4. The suspension of the petitioner vide memo no. 182 dated 09.01.2024 at Annexure-P/10 in the Interlocutory Application is hereby quashed.

5. The authority is directed to reinstate the service of the petitioner and pay consequential benefits.

6. With directions above mentioned, the writ petition stands disposed of.

(Anjani Kumar Sharan, J)

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