

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5709 of 2025

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Pawan Kumar Son of Parshuram Prasad, Resident of village -Sondhani, P.S.-
Bhagwanpur Haat, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Govt. of Bihar, Patna.
2. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
3. The District Education Officer, Vaishali.
4. The Headmaster, Sri Ramnandan High School, Bidupur Bazar, P.S- Bidupur, District- Vaishali.
5. The Deputy Development Officer, Siwan
6. The District Education Officer, Siwan.
7. The District Programme Officer (Establishment), Siwan.
8. The Headmaster, Sarvodaya High School (plus 2), Chakiya Chaturvedi, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4
For the BPSC	:	Mr. Sanjay Pandey, Adv.
		Mr. Nishant Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-02-2026

Heard the parties.

2. The petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondent authorities especially the Head-Master of the Sri Ramnandan High School, Bidupur Bazar, Vaishali to accept his joining on the post of Teacher (Math) (10+2) category, in terms with the result published in the examination duly conducted by the Bihar



Public Service Commission, Patna on 25.08.2023 and 26.08.2023. The relief has also been sought for issuance of relieving letter from earlier school, namely, Sarvodaya High School (+2), Chakiya Chaturvedi, Bhagwanpur Haat, Siwan where the petitioner has been discharging his duty as a Niyojit Teacher.

3. Learned Advocate for the petitioner, briefly stated, that the petitioner was working as a Math Teacher in Sarvodaya High School (+2), Chakiya Chaturvedi, Bhagwanpur Haat, Siwan. In the meantime, in pursuant to an advertisement issued by the Bihar Public Service Commission for appointment to the post of Senior Secondary Teacher in different school of Bihar, the petitioner appeared in the examination and has been declared qualified for the post of Teacher in the school of (+2) category for the subject of math.

4. Having completed the counseling-cum-orientation, the petitioner was sent for training at BRC, Goraul, which he has also completed successfully. Accordingly, the provisional appointment and joining letter was issued to the petitioner with a direction to join on the post of Teacher (Math) in Sri Ramnandan High School, Bidupur Bazar, Vaishali; the copy of the appointment letter has been placed on record as Annexure-



P/4.

5. Despite the appointment letter having been issued on 02.11.2023, the Sarvodaya High School (+2), Chakiya Chaturvedi, Bhagwanpur Haat, Siwan neither issued relieving letter nor even the resignation tendered by the petitioner has been accepted. On account of the aforesaid reason, the joining of the petitioner could not be accepted in the newly allotted school i.e. Sri Ramnandan High School, Bidupur Bazar, Vaishali. In the aforesaid premise, the petitioner has approached this Court.

6. Learned Advocate for the petitioner submitted that on account of the laches by the Head-Master of the earlier school, in question, who has neither issued the relieving letter nor has accepted the resignation of the petitioner and, in the meantime, the period of joining has been expired, hence a direction is required to the Head-Master of Sri Ramnandan High School, Bidupur Bazar, Vaishali to accept the joining of the petitioner; as for the fault of the respondent, the petitioner cannot be put to suffer.

7. A counter affidavit has been filed on behalf of the respondent no. 6. This Court is apprised that during pendency of the writ petition finally the Deputy Development



Commissioner-cum-Executive Officer, Zila Parishad, Siwan vide Memo No. 1889 dated 30.08.2025 has accepted the resignation of the petitioner and accordingly, a communication in this regard has also been made to the petitioner by the District Programme Officer (Establishment), Siwan vide Letter No. 4793 dated 23.09.2025. The aforesaid letter has also been communicated to the Head-Master, Sarvodaya High School (+2), Chakiya Chaturvedi, Bhagwanpur Haat, Siwan.

8. Having heard the parties, this Court finds substance in the submissions of the learned Advocate for the petitioner. Admittedly, the resignation of the petitioner has been accepted belatedly vide Memo No. 1889 dated 30.08.2025 and a communication has been given to the petitioner vide Letter No. 4793 dated 23.09.2025, notwithstanding the authorities concern were under statutorily obliged to issue relieving letter or to accept the resignation forthwith, if there was nothing adverse against the petitioner; hence in that view of the matter, the petitioner cannot be said to be at fault.

9. In the aforesaid facts and circumstances, this Court directs the District Education Officer, Vaishali to look into the matter and issue an appropriate direction to the Head-Master of Sri Ramnandan High School, Bidupur Bazar, Vaishali for



acceptance of the joining of the petitioner, in accordance with law within a period of four weeks, from the date of receipt/production of a copy of this order; whereupon the concerned Head-Master of Sri Ramnandan High School, Bidupur Bazar, Vaishali shall be obliged to accept the joining of the petitioner, forthwith.

10. Accordingly, the writ petition stands allowed.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2026.
Transmission Date	NA

