

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15944 of 2025**

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Nirmal Kumar Son of Ramjee Chaudhary Resident of Village- Badaki  
Akodhi, P.S.- Karagahar, District- Rohtas, State- Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna
3. The Director, Secondary/ Higher Secondary Education, Bihar, Patna
4. The Bihar Public Service Commission, through the its Chairman, xxx
5. The District Education Officer, Rohtas, Sasaram
6. The District Programme Officer (Establishment), Rohtas, Sasaram
7. Shweta Kumari, Daughter of Pradip Kumar Singh, Resident of Back of Chaturbhuj Market Gaurakshani Sasaram, PO and PS Sasaram, District- Rohtas, Pin Code - 802215

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Saroj Kumar, Adv.       |
| For the State        | : | Mr. Ajay Behari Sinha, GA 8 |
| For the BPSC         | : | Mr. Neeraj Kumar, Adv.      |
| For the Res. No. 7   | : | Mr. Ashok Kumar Garg, Adv.  |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 27-07-2026**

Heard Mr. Saroj Kumar, learned Advocate for the petitioner and Mr. Ashok Kumar Garg, learned Advocate for the respondent no. 7 as well as Mr. Niraj Kumar, learned Advocate for the Bihar Public Service Commission. Learned Advocate for the State is also present.

2. This matter was heard earlier on 25.09.2025.



Considering the submission advanced by the learned Advocate for the petitioner as also taking note of the prayer, inter alia, a challenge to the Memo No. L-5008, Sasaram dated 19.08.2025 as also the consequential direction issued under the signature of the District Programme Officer (Establishment), whereby it has been directed to all the post appointed Incharge Head Teacher/Headmaster to hand over the charge to the newly appointed Head Teachers/Headmasters, this Court vide its order dated 25.09.2025 has directed the respondent authorities to maintain status quo till the next date of hearing. The State was further directed to file counter affidavit in the matter.

3. Learned Advocate for the State submits that he is in receipt of the instruction that the respondent no. 7 was duly appointed as Headmaster, Uchcha Madhyamik Vidyalaya, Akorhi whereas the petitioner is a Government Teacher duly appointed through Bihar Public Service Commission in 1999 and later on as per the submission of the petitioner, he was appointed as Headmaster in the Middle School, Akorhi vide Memo No. L/1516 dated 30.06.2020.

4. During the pendency of the present writ petition, an Interlocutory Application has been filed bearing I.A. No. 1 of 2026. The respondent no. 7 submitted that her appointment



took place under Bihar Senior Secondary School Headmaster Rules, 2021. After facing all the process, she was duly appointed and her name was recommended by the Bihar Public Service Commission and subsequently appointed as Headmaster in terms with Rule 5 of the aforesaid Rules. It is the specific contention of the respondent no. 7 that in terms of appointment letter dated 17.07.2025 issued by the Regional Deputy Director of Education, Patna, the respondent no. 7 joined on the post of Headmaster, Uchcha Madhyamik Vidyalaya, Akorhi (U DISE Code No. 10320409003) on 23.07.2025 and the present petitioner has accepted her joining being only as Incharge Headmaster of Uchcha Madhyamik Vidyalaya, Akorhi and since then she is working there. Despite consequential order directing the petitioner to hand over the charge of Headmaster of Uchcha Madhyamik Vidyalaya, Akorhi, the same has not been done on a misconceived pretext that the petitioner is senior most teacher and Headmaster of the school. However, even if, for the sake of argument, the petitioner is said to be Headmaster, he is the Headmaster of Middle School, Akorhi, and has never been appointed as the Headmaster of Uchcha Madhyamik Vidyalaya, Akorhi.

5. From the submissions advanced and the materials



available on record, it is evident that in a same building, Uchcha Madhyamik Vidyalaya, Akorhi, Block Karagahar, Rohtas having U DISE Code No. 10320409003, Middle School, Akorhi having U DISE Code No. 10320437481 both schools are running. It is also an undisputed admitted position that the petitioner is the Incharge or the Headmaster of Middle School Akorhi whereas the respondent no 7 was duly appointed as Headmaster in Uchcha Madhyamik Vidyalaya, Akorhi, Block Karagahar.

6. Once those facts are admitted, this Court does not find any merit in the contention of the petitioner to refuse to hand over the charge of Headmaster of Uchcha Madhyamik Vidyalaya, Akorhi of which he had never been appointed as Headmaster.

7. In view thereof, this Court directs the petitioner to hand over the charge of Headmaster of Uchcha Madhyamik Vidyalaya, Akorhi in favour of respondent no. 7 forthwith.

8. If the petitioner has any grievance with respect to his right to be continued as a Headmaster of Uchcha Madhyamik Vidyalaya, Akorhi, he shall file an appropriate representation along with all necessary papers before the Director, Secondary/Higher Education, Bihar, Patna, who shall



consider his claim and pass appropriate order, in the light of the applicable rules and regulation expeditiously, clarifying his position.

9. With the aforesaid direction, the present writ petition stands disposed.

**(Harish Kumar, J)**

Anjani/-

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