
(2019) 09 PAT CK 0093

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 18531 Of 2018

Kumar Dhiraj

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 13-09-2019

Acts Referred:

Citation : (2019) 09 PAT CK 0093

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Sanjay Prasad, Madhaw Prasad Yadaw, Meena Singh

Final Decision : Disposed Off

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The present matter is part of the batch cases in which the lead case is MJC No. 4585 of 2018.
3. The case has been tagged with MJC No. 4585 of 2018 by order of a coordinate Bench dated 15.07.2019.
4. Having regard to the nature of relief sought, the Court has taken up the matter separately.
5. The petitioner has moved the Court for the following reliefs:

"(i) For direction the respondents to modify the fresh posting order against the petitioner vide letter no. 1757 dated 05.05.18 where by and where under the petitioner has been posted as Headmaster from Middle school Chorsua under Giriyak Block, Nalanda to Middle School Babhanvarui under Hilsa Block, Nalanda which is about 30 kilometre far away from Bihar Sharif and against the letter no. 102 dated 30.01.13 and letter no. 240 dated 19.02.14 issued by the Director Primary Education, Bihar Patna as well as letter no. 69 dated 19.01.18 issued by the Principal Secretary Education Department Bihar, Patna in which it has been

specific stated that newly promoted Headmaster shall be posted on seniority basis. Firstly the post of Headmaster to be filed up with regard to school of BRC, secondly in CRC school then general school to be filed up.

(ii) For direction the Respondents for issuance of order for posting as Headmaster under Bihar Sharif Block, Noorsarai Block or Giriyak Block where post of Headmaster is still vacant and near by Bihar Sharif on the ground that wife of the petitioner is also posted as Lecturer in Devsharan Mahila Evening college, Sohsarai, Bihar Sharif, Nalanda which is affiliated college and she is suffering from Heart problem and regularly she is under treatment in Moti Memorial Hospital Ranchi road Bihar Sharif as well as several juniors to the petitioner have been posted under Bihar Sharif Block.

(iii) For other order or direction in the facts and circumstances of the case in the interest of justice"

6. Having considered the matter, the relief which the petitioner has sought is untenable in view of the fact that even if the policy of the State Government relating to posting of Headmasters is considered, just because the school in which the petitioner has been posted as Headmaster is 30 KM away from his residence cannot be a ground to interfere in the order of posting dated 05.05.2018. It is not the case of the petitioner that there was any DDO post left vacant or that he despite having sufficient seniority, was not given a place of posting as per his choice. Thus, he cannot raise any grievance with regard to the posting order dated 05.05.2018, which was a common posting order relating to Headmasters in the district of Nalanda.

7. Moreover, learned counsel for the petitioner also submitted that he shall not be pressing the application.

8. Accordingly, the application stands disposed off.