

(2019) 09 PAT CK 0091

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 11987 Of 2018

Spandan Kumar

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 0091

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 cancel 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 Up graded Middle school Isua under Sarmera Block which was general school to Middle school Amaravati, Bind which is Sankul Sansadhan school which is 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 filled up with regard to school of Drawing & disbursing officers, secondly in which Sankul Sansadhan school but ignoring the direction of Principal Secretary Education Department he has been posted in Sankul Sansadhan school which is about 20 kilometre far away from Bihar Sharif in spite of that in seniority list he is at serial no. 284.

(ii) For direction the Respondents for issuance of order/direction to the petitioner for posting as Headmaster in general school under Bihar Sharif Block, Noorsarai Block or Asthawan Block where post of Headmaster is still vacant and near by Bihar Sharif.

(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 20 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.