

Patna High Court - Orders

Arjun Prasad Sinha vs The State Of Bihar & Ors on 19 November, 2010

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.16955 of 2010

Arjun Prasad Sinha, Son of Sri Chandrika Sinha, resident of Village-Fajil,
P.S.-Nardiganj, P.O.-Kahuara, District-Nawadah, at present Principal In-
Inter School, Nardiganj, P.S.-Nardiganj, District-Nawadah. -Petitioner

VERSUS

1. The State of Bihar through Director, Secondary Education, Bihar, Patna.
2. The Deputy Director (Secondary) Education, Bihar, Patna.
3. The Regional Education Deputy Director, Magadh Pramandal, Gaya.
4. The District Education Officer, Nawadah.
5. Binod Prasad Singh, Assistant Teacher, Inter School, Nardiganj, District
Nawadah. -Respondent

For the Petitioner : Mr. Devendra Kumar Sinha, Sr. Adv. & Mr. Satya Ranjan Sinha, Adv.

For the Respondent No.5 : M/s- Tej Bahadur Singh, Sr. Adv., Durgesh Nandan & Ravi Nath Sharma.

For the State : Mr. Nagendra Sharma, AC to GP-8.

02 19.11.2010

In the present case, the dispute is between the Arjun Pr

Sinha and Binod Prasad Singh, who are Assistant Teachers in Intermediate School, Nardiganj, District Nawadah. They are fighting for the post of Principal Incharge of the said School. It appears that the Director, Secondary Education, Government of Bihar considered the matter and held the respondent, Binod Prasad Singh to be senior and accordingly directed him to work as Principal Incharge, which order is impugned as Annexure-4 to the writ petition.

I have heard Mr. D.K. Sinha, learned Senior Counsel appearing in support of the writ petition and Mr. Tej Bahadur Singh, learned Senior Counsel appearing for respondent no.5, Binod Prasad Singh. The parties dispute the concept of seniority as enunciated by the Director, Secondary Education. In my view, it is not necessary to go into that question. If there is a permanent vacancy in respect of the post of Principal of the School, in question, this Court wonders why steps are not immediately taken to fill up the vacancy by a permanent appointee rather than resort to ad hocism, even if, for some reason for a short time ad hocism is to be resorted to which must be an exception then two things have to be kept in mind. Firstly, the inter se seniority and secondly the person must be eligible for being appointed as Headmaster, as such, this twin considerations have to prevail.

Keeping these in mind, I direct the Director, Secondary Education, Government of Bihar to take immediate steps for filling up the vacancy on a permanent basis. The same shall be done and completed in a period not more than two months. In the meantime, considering the two aspects, as noted above, in relation to ad hoc arrangement, he would after making such enquiry, as he may

deem fit, pass appropriate order within one month from the date of production of a copy of this order before him.

With these observations and directions, the writ petition is disposed of.

Trivedi/

(Navaniti Prasad Singh, J.)