

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20955 of 2014

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Rajesh Kumar Singh, S/O- Yogendra Prasad Singh, resident of Mohalla-
Bharthui Garh, P.O.+ P.S.- Ziradei ,District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resource Department, Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Chapra.
4. The District Magistrate, Siwan.
5. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Siwan.
6. The District Education Officer, Siwan.
7. The District Programme Officer (Establishment), Siwan.
8. The Block Education Officer, Bhagwanpur, Siwan.
9. The Block Education Officer, Goriya Kothi, Siwan.
10. Sri Shashi Kant Pandey, the Incharge- Head Master, Sri Ganesh Mathura High School, Mora Mairi, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate.

For the Respondent/s : Mr. Roy Shivaji Nath, AAG-3

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 17-07-2015

Heard learned counsel for the parties.

2. Having regard to the situation in which this Court is going to decide the writ application inasmuch as the impugned order of transfer of the petitioner dated 08.01.2015 has already been complied by the petitioner, though under protest, it would not find any reason to now set aside the order specially when the petitioner has been assigned a post of teacher in the School controlled by the Zila Parishad, Siwan.

3. None-the-less, the Deputy Development



Commissioner , being the Secretary to the Committee under the Bihar Zila Parishad Madhyamik/Uchchatar Madhyamik Shikshak (Niyojan & Seva Sart) Niyamawali, 2006/2012, will examine the aspect as to whether the impugned order dated 08.01.2015 was issued only the approval of Deputy Development Commissioner or with the approval of Chairman or approval of the Committee. In the event, if it is found that such order was issued only by the Deputy Development Commissioner or on the approval of the Chairman of the Zila Parishad but without placing the matter in the Committee, the matter of transfer of the petitioner shall be placed before the Committee and, the decision taken by the Committee shall be binding on the petitioner.

4. In other words, if the Committee would also approve the decision for order of transfer dated 08.01.2015 that shall be treated to be sufficient compliance of Rules 10 of the aforesaid transferred Rules, but on the other hand, if the Committee does not approve such transfer of the petitioner, an appropriate place of posting of the petitioner shall be decided by the committee.

5. It goes without saying that an appropriate decision by the Deputy Development Commissioner/Committee, in the manner indicated above, must be taken within a period of four months from the date of receipt of a copy of this order.

6. With the aforementioned observation and direction,
this writ application is disposed of.

7. Interlocutory Application (s), if any, shall stand
disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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