

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.5818 of 2015**

Sumitra Devi wife of Sri Bisundeo Prasad Sinha, resident of Village- Bhirha, P.O.-  
Amarpur, P.S. - Medni Chowki, Dist- Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar through , Director Primary Education Govt. of Bihar, Patna
2. Director Primary Education , Govt. of Bihar, Patna
3. Regional Deputy Director, Education, Munger
4. The District Magistrate, Lakhisarai
5. The District Program Officer, (Esstablishment) Cum District Education Officer,  
Lakhisarai.

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Jyoti Ranjan Jha

For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 03-07-2015**

The reason for non-posting of the petitioner in terms of the option exercised has been clearly indicated in para 6 to 10 of the counter affidavit. In the given circumstances, right of the petitioner was only for consideration vis-à-vis the vacancy position and seniority position of other persons who may have also given their option. Obviously, if there are more than one person who have opted for a particular school and somebody senior to the petitioner is available, right will accrue in his favour. If in a particular school there is no vacancy, there is no occasion to post the petitioner.

The circular of the State Government is not binding to the extent that whatever be the demand as a matter of option had to be

given to a candidate in matter of transfer.

The permutation and combination including what has been indicated above in those paragraphs have combined against the petitioner for non grant of transfer of her choice.

Writ application is, therefore, dismissed as there is no arbitrariness in not giving option to the petitioner in a school of her choice.

**(Ajay Kumar Tripathi, J)**

R.K.Pathak/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|