

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1406 of 2015

In

Civil Writ Jurisdiction Case No. 3087 of 2015

=====

1. Nilam Kumari Wife of Sri Ram Vilas Das @ Ram Vilas Jenith resident of B.N. Railway Colony, P.S. - Manihari, District - Katihar presently posted as Head Mistress at Middle School Azampur Gola, Manihari Block, District -Katihar.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development Department, Government of Bihar, Patna.
2. The Director (Primary), Department of Education, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Katihar.
4. District Programme Officer - Establishment Education, Katihar.
5. The District Education Officer, Katihar.
6. The District Education Establishment Committee, Katihar.
7. The Block Education Officer, Manihari, District -Katihar.
8. Sri Vinod Kumar, Son of Late Shatrudhan Ram, R/o at Manikpur, P.O. - Keshavpur, P.S. - Simri, District - Buxar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Dilip Kumar Tewari
For the Respondent/s : Mr. P.N. Sharma, AC to AAG
For Respondent No.2 : Mr. S. Shahi

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)**

4 17-12-2015 An order, dated 20.05.2015, passed by a learned single Judge in CWJC No. 3087 of 2015 (Vinod Kumar Vs. State of Bihar & ors.) is under challenge in the present appeal, preferred under Clause 10 of the Letters Patent of this Court.

2. It is evident from the materials on record that

respondent No.8 herein, had challenged an order, dated 23.01.2015, passed by the District Programme Officer, Establishment Education, Katihar, whereby the appellant was sought to be transferred in Girls Middle School, Manihar, where respondent No.8 was already working as Headmaster of the School.

3. Learned single Judge, considering the statutory provision under Rule 3 of Bihar State Nationalized Primary School Teacher (Transfer) Rules, 2006 set aside the said order of transfer on the ground that no transfer of a teacher was permissible under the said Rules except in certain circumstances given in the Rules itself, based on choice to be exercised by a teacher.

4. We do not find any reason to take a different view than what has been taken by the learned single Judge after having gone through the provisions under said Rule 3, which has been quoted in the order itself.

5. Since we do not find any merit in this appeal, the appeal stands dismissed.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--