

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13095 of 2015

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1. Smt. Sunita Sinha W/o Sri Jugesh Resident of Village- Professor colony, Udantpuri, Biharsharif P.s -Biharsharif, District - Nalanda at Present Assistant Teacher, Residential Model School, Vaishasur Under Anchal Biharsharif, District Nalanda. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Nalanda
5. The District Programme Officer (Establishment) Nalanda.
6. The Block Education officer, Biharsharif at Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishnu Kant Dubey

For the Respondent/s : Mr. P.N.Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-09-2015

Heard counsel for the petitioner and counsel for the State.

Petitioner has tried to build a big edifice as to how she has been unnecessarily harassed by annulling order of transfer contained in Annexure- 4 by issuing an order contained in Annexure- 6. Annexure- 4 is dated 5.8.2015 and Annexure- 6 is dated 8.8.2015. In other words, the two notifications came to be issued one after the other.

Annexure- 6 indicates that there was some infirmity committed in issuance of Annexure- 4 and the District Education Officer, Nalanda had received some complaints telephonically. Now, a counter affidavit has been filed. Respondents take a plea that

Annexure- 4 in the very first place was issued contrary to the rules and provision relating to Bihar State Nationalised Primary School Teachers Transfer Rules, 2006.

It seems that petitioner is in the habit of seeking request transfer but the request transfers can be entertained only twice in the entire service career of a primary teacher and such request is not required to be entertained unless there is a gap of five years.

A reading of the counter affidavit indicates that the petitioner had not completed five years in the school in question and either by oversight or some misrepresentation Annexure-4 came to be issued, which has now been corrected by Annexure-6.

Counsel for the petitioner has tried to make out a third case by way of pleading that her transfer and posting as per Annexure- 4 was by virtue of her promotion and was not voluntary transfer sought by her. How I wish this fact was clear from any of the annexures much less Annexure- 4 by virtue of which her transfer had been effected. The counter further significantly indicates that the two schools are within a radius of only 500 meters.

There is no merit in the writ application of the petitioner.
It is dismissed.

(Ajay Kumar Tripathi, J)

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