

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13877 of 2012

- =====
1. Shiyendra Kumar Pathak S/O Sri Devendra Pathak Resident of Village- Malahi, P.S. Sursand, District- Sitamarhi, Presently Residing at Flat No. 172 Block No. 22 Patliputra Path Rajendra Nagar, P.S.- Kadamkuan, District- Patna
 2. Suraj Kumar Suranjan S/O Sri Kamal Kishor Yadav Resident of Village- Ragalok, Police Station- Falka, District- Katihar

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. Principal Secretary, Urban Development Department, Govt. of Bihar, Patna
4. Principal Secretary, Rural Development Department, Govt. of Bihar, Patna
5. The D.D.C. –cum- Chief Executive Officer, Zila Parishad, Bhojpur.

.... Respondents

=====

Appearance:

For the Petitioners : Mr. Ibrahim Kabir, Advocate

For the Respondents : Mr. Bishwa Bibhuti Kumar Singh,
AC to PAAG, Bihar.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-02-2015

The petitioners have been selected as Zila Parishad Teachers at different points of time, in the Districts of Patna and Katihar respectively. They are the natives of Sitamarhi and Katihar District respectively.

Rule 10 of the Bihar Zila Parishad Secondary and Higher Secondary Teachers (Appointment and Service Condition) Rules, 2006 (hereinafter referred to as ‘the Rules’ for short) mandates that



the post of teachers in the Zila Parishad institutions are non-transferable subject however, to a rider that a teacher would be extended the facility of transfer within the District on two occasions, during his service. The grievance of the petitioners is that though the selection process for Zila Parishad Teachers is common for all over the State, the inter-district transfers are prohibited. In this context, they challenge Rule 10 of the Rules.

Heard Sri Ibrahim Kabir, learned counsel for the petitioners and Sri Bishwa Bibhuti Kumar Singh, Assistant Counsel to learned Principal Additional Advocate General, Bihar for the respondents.

It is not in dispute that the District is a unit for appointment of Zila Parishad Teachers, at Middle School level and High School level. Once that is so, a teacher cannot be transferred to any place outside the District. The mere fact that uniform procedure is being followed for selection of Zila Parishad Teacher all over the State, does not become a factor to enable a teacher in particular District to seek transfer to another District.

If the request of the petitioners is acceded to several complications would arise. Knowing fully well that the notifications were issued for the Districts of Patna and Katihar, and they are not natives of that place, petitioners submitted applications and got selected. On being selected and appointed they have to work in the

Schools within the concerned Districts. On account of their being selected and appointed, they deprive the other eligible candidates in the concerned Districts, of their opportunities. Further transfer to the native Districts of the petitioners may result in transfer of the post itself. The number of posts in their native Districts is already fixed and the petitioners cannot be accommodated there. Added to that vacancies would arise at the place where they have been appointed and working and the very purpose of appointment would be defeated.

This Court does not find any basis to entertain the writ petition, and it is accordingly dismissed. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

Chandran/Md.Ibrarul

(Vikash Jain, J)

U			
---	--	--	--