

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19279 of 2014**

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Niranjan Kumar S/O Late Ramnavmi Prasad Singh, R/O vill.- Shanti Nagar,  
Khagri Road, Takiya Par, P.O.- Digha, P.S.- Danapur in the district of Patna  
.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director Primary Education, Human Resource Development Department, Govt. of Bihar, Patna
3. The District Education Officer, Patna
4. The District Programme Officer (Establishment), Patna
5. The In-charge Headmaster, Middle School, Turha Toli, Danapur Cantt., Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Adv.

For the Respondent/s : Mr. A.C. to A.G.

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL JUDGMENT**

2      17-07-2015      Heard learned counsel for the parties.

2. Having regard to the admitted position that the impugned order of transfer of the petitioner is passed on stigma and that has been done even without giving notice and/or opportunity of hearing to the petitioner, this Court cannot approve the same and has to be held to be bad.

3. At this stage, learned counsel for the petitioner submits that if the stigma attached with the order of transfer is withdrawn, the petitioner will have no difficulty in reporting to the transferred school because he has got no fascination for remaining posted in his old school.

4. That being so, the order dated 24.10.2014, as assailed in this writ application contained in Annexure-4, shall be read only as an order of transfer under the administrative exigency and will never be used against the petitioner as stigma or for holding that his transfer was on account of proved allegations.

5. Nothing said in this order, however, will come in the way of the respondents to take any action, if the petitioner has committed any further misconduct after his being exonerated in the earlier departmental proceeding on 23.05.2013.

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

**(Mihir Kumar Jha, J)**

Sujit/-

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