

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2102 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 13095 of 2015

Smt. Sunita Sinha, wife of Sri Jugesh, resident of village- Professor Colony, Udantpuri, Biharsharif, P.S.- Biharsharif, District- Nalanda at present Assistant Teacher, Residential Model School, Bhaishasur under Anchal Biharsharif, District- Nalanda

.... Petitioner - Appellant

Versus

1. The State of Bihar
2. The Director, Primary Education, Government 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

.... Respondents - Respondents

Appearance:

For the Appellant/s : Mr. Ashutosh Ranjan Pandey with
Mr. Subhash Pandey, Advocates.

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 30-03-2016

The present Letters Patent Appeal is directed against the order passed by the learned Single Judge of this Court on 18.09.2015 whereby the order of transfer of the appellant dated 08.08.2015 was not interfered with.

The appellant was initially transferred on 05.08.2015 which order was subsequently corrected on 08.08.2015. The learned Single Judge has found that the school where the appellant was posted and the school where she has been transferred are within a radius of only 500 meters. It has also been found that the appellant has not completed five years in the school in question. Therefore, such mistake has been corrected by the order dated 08.08.2015.

The policy guidelines, on which the appellant relies, are not enforceable in law. They are for the internal workings of the department. We do not find any error in the order of transfer of the appellant to a school which is within 500 meters of the earlier school only.

The Letters Patent Appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Dilip/Anjani.

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