

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18696 of 2016

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Mareshwar Safi, Son of Late Chhotkan Safi, Resident of Village- - Birpur
(Mehtarpati) P.S. – Basopatti, District – Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director (Administration) – cum – Additional Secretary, Education
Department, Government of Bihar, Patna
4. The District Magistrate, Sitamarhi
5. The District Education Officer, Sitamarhi
6. The District Programme Officer (Establishment), Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar-GP17 Mr. S. K. Ranjan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-11-2016

Heard learned counsels for the parties.

From the materials which has emerged from the writ as well as the counter affidavit, obviously the District Magistrate, who happens to be the nodal officer of the district and is answerable to the bosses at Patna for execution of targets for every department. If he found that the going on in the Education Department of the district in question is not up to the mark, if not unhealthy, then the Court will not get impressed by the submission of the learned senior counsel for the petitioner that his recommendation of transfer amounts to punishment and his transfer should not be effected at the fag end of his career, when his retirement is due in a few months.



From the counter affidavit filed on behalf of the respondents sworn by the Deputy Director, Administration, Department of Education, it is evident that the authorities at the headquarters have taken cognizance of the matter and not only the present petitioner but even the District Education Officer of Sheohar has been ordered to report at the headquarter and the enquiry is being conducted by the Director, Primary Education.

Obviously, there is something amiss which does not meet the eye, by way of exchange of pleadings. Otherwise, in normal course of things, the headquarters or the Director does not delve and interfere with such issues as a matter of course.

The petitioner's transfer to the headquarter is with the object of holding a free and fair enquiry into the affairs of the two districts in question, one of the district being that of the petitioner. There could not be a better case for transfer on administrative ground. The Court will not, therefore, interfere with the impugned order or give leeway to the petitioner merely because he has two months left for superannuation. The Court will not exercise its discretion in the given facts.

Learned senior counsel for the petitioner expresses apprehension that the District Programme Officer is the root cause of all these trouble and his continuance and assignment of responsibility to officiate as a District Education Officer will be detrimental to the interest of the petitioner. During the enquiry such

apprehension will be kept in mind by the appropriate authority if instances of such kind of deliberate mischief against the petitioner is sought to be created. It will also be kept in mind whether the continuation of the District Programme Officer is also required to be re-looked into.

Writ application stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	01.12.2016
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