

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5416 of 2017

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District Primary Teachers' Association, Supaul, through its Deputy Secretary General, Rajesh Kumar Mahto, S/o Late Ugra Narayan Mahto, R/o village - Sukhpur, P.S. Supaul, District - Supaul

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The Regional Deputy Director of Education, Koshi Division at Saharsa
4. The District Education Officer, Supaul
5. The District Programme officer, Supaul
6. The District Primary Teacher Establishment Committee, Supaul through its Chairman
7. The Deputy Development Commissioner (Cum Authority Competent to decide Complaint regarding Transfer), Supaul

.... Respondents

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Appearance :

For the Petitioner : Dr. Mayanand Jha, Advocate
Mr. Dharmendra Kumar, Advocate
For the Respondents : Mr. Virendra Kuar, AC to SC 16

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-09-2017

The present writ petition has been filed for setting aside the transfer orders as contained in memo nos. 176 dated 31.01.2017, 178 dated 31.01.2017 and 360 dated 27.02.2017 issued by the District Programme Officer, Supaul; and further for a direction to the authorities not to insist on implementing the said transfer orders relating to national middle/primary school teachers.

2. Learned counsel for the petitioner submits that the impugned transfer orders *ex-facie* are illegal and without jurisdiction in view of Rule 3 of the Bihar State Nationalized Primary Teacher (Transfer) Rules. 2006. It is further stated that a representation has been filed before the Deputy Development Commissioner, Supaul, who



is the competent authority to take decision on complaints regarding transfer of the present nature, but no action whatsoever has been taken. This Court in CWJC No. 2591 of 2017 filed at the instance of one of the teachers aggrieved by his transfer order is pending before this Court in which status quo has been directed to be maintained by the parties.

3. Learned counsel for the respondents appears and has been heard.

4. Considering that a representation has already been filed before the Deputy Development Commissioner, Supaul, this Court is of the view that the ends of justice will be fulfilled if the Deputy Development Commissioner, Supaul is directed to consider and dispose of the petitioner’s representation, if still pending, on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner. The authority shall not insist on implementation of the impugned orders of transfer or take any coercive action against the members of the petitioner Association until disposal of the petitioner’s representation as aforesaid.

5. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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