

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.2447 of 2017**

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1. Vijay Kumar, Son of Late Ramshekhar Prasad Singh, Resident of Mohalla-Allahabad Bank Colony, Khajpura (Maurya Path), P.S.- Rajeev Nagar, District-Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Establishment), Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Madhuri Lata

For the Respondent/s : Mr. SUBHASH CHANDRA MISHRA -SC16

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 12-09-2017**

Heard learned counsel for the petitioner and learned counsel for the State.

In the present case, petitioner is challenging the order dated 7.2.2017 passed by the District Education Officer, Patna by which he has been relieved from the post of Block Education Officer, Mokama (Patna).

Petitioner was appointed as Assistant Teacher in Government Basic School, Mourya Samastipur on the basis of selection in the examination conducted under Lower Subordinate Service in the year 1990. The petitioner was promoted to Subordinate Education Service in 2012, he was posted as



Headmaster in Government Basic School, Shiuvgarh under the Block Bikram, District Patna and accordingly he joined there. The Director, Primary Education, Education Department, Bihar, Patna vide letter no.646 dated 30.6.2016 transferred the petitioner along with 461 persons . He was transferred and posted at Block Education Officer, Mokama, Patna against the vacant post and in compliance of the aforesaid order, petitioner joined the said post.

While petitioner was discharging the duty of Block Education Officer at Mokama, a writ petition vide C.W.J.C. No. 11011 of 2016 (Nandini Kumari and others v. The State of Bihar and others) was filed making an allegation that the authority has not followed Rule 153 of the Bihar Education Code and illegally had given the benefit to certain persons. Writ petition has been allowed vide judgment dated 18.8.2016 directed repatriation to their original posts.

In pursuance of the direction of this Court, petitioner has been brought to the original place, is under challenge, can not be interfered with, as the order has been passed to send all persons to original post, submission that he was posted as Block Education Officer but illegally having been brought to the original post is of no substance, accordingly rejected. The action of the authority in sending the petitioner to the original post in



any manner not violating the Rule as non-compliance of the order could have landed the respondent under the proceeding of contempt of Court.

This Court does not find any merit in this writ petition. It is accordingly dismissed.

Learned counsel for the petitioner submits that posts are still vacant. The petitioner will be liberty to file an application before the authority and authority will look into the matter and would take decision in accordance with law.

Accordingly this writ petition is dismissed.

**(Shivaji Pandey, J)**

Vinay/-

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