

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9434 of 2017

Navin Kumar, son of Late Ramdeo Yadav, resident of At- Kabirchak, P.O.- Kabirchak, Police Station- Darbhanga Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

- 1. The State of Bihar.
- 2. The Director, Primary Education, Bihar, Patna.
- 3. The District Education Officer, Darbhanga.
- 4. The District Programme Officer (Establishment), Darbhanga.
- 5. The Block Education Officer, Darbhanga Sadar, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Alok Kumar, Advocate
		Mrs. Madhuri Lata, Advocate
For the Respondent/s	:	Mr. P.N. Sharma, A.C. to A.G.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 07-09-2017 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner seeks to assail an order dated 15.06.2017, contained in Memo No.1879, Darbhanga, (Annexure 1), whereby and whereunder the District Programme Officer (Establishment), Darbhanga has been pleased to transfer the petitioner from his present place of posting, namely, Upgraded Middle School, Khojkipur, Darbhanga Sadar, to Girls' Middle School, Rampura, Singhwara on the vacant post of Headmaster.

It appears from the order impugned (Annexure 1) that the petitioner has been transferred for administrative reasons.

Learned counsel appearing on behalf of the petitioner



submits that the said transfer order has been passed on the basis of Letter No.158(Confidential) dated 03.11.2016, which is the decision of the Joint Enquiry Committee. The decision, as contained in Letter No.158 dated 03.11.2016, has also been brought on the record by the petitioner as Annexure 2. In the said Annexure, it has been recorded that the petitioner was posted at his place of posting for three years and, therefore, on the said administrative grounds, he was directed to be transferred.

Learned counsel for the petitioner has further drawn my attention to the letter of the Block Education Officer, Darbhanga Sadar, contained in Letter No.394 dated 07.07.2016 (Annexure 3), which has been addressed to the District Programme Officer (Establishment) Darbhanga. In the said letter, the previous places of postings and the dates on which he was posted and had been functioning have been clearly enumerated. At serial no.04, the place of posting of the petitioner is shown to be at Khojkipur, Darbhanga Sadar since 31.05.2016. It is indicated that he was posted at Upgraded Middle School, Khojkipur, Darbhanga Sadar, vide Memo No.2051 dated 20.05.2016. Thus, the petitioner had been functioning on the date of his present transfer order, which is impugned in the present writ



application, for about one year.

Accordingly, it is patently clear from the three annexures that the administrative ground indicated in Annexure 2 is factually incorrect. In view of this fact, the reason for passing the impugned order also stands vitiated.

Accordingly, the impugned order 15.06.2017, contained in Annexure-1, is set aside. The petitioner, if not already relieved, shall be permitted to continue at his place of posting as indicated in the impugned order.

The writ application thus stands allowed.

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(Anjana Mishra, J)

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