

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5482 of 2017

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Punam Kumari W/o Ravindra Kumar resident of Mohalla/Village-Daudwat,
P.S.-Habibpur and District-Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Programme Officer, Banka.
4. The District Programme Officer (Establishment), Education Department, Banka.
5. The Block Education Officer, Dhoraiya, Distt.-Banka
6. The Secretary, Panchayat Teacher Niyojan Unit, Makaita Babura, Dhoraiya, Distt.-Banka
7. The District Education Officer, Banka, District Banka.

.... Respondents

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Appearance:
For the Petitioner : Mr. Swapnil Kumar Singh, Advocate
For the Respondents : Mrs. Binita Singh-SC28

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-09-2017

As prayed, learned counsel for the petitioner is permitted to implead the District Education Officer, Banka, District Banka as respondent no. 7 in course of the day.

2. The present writ petition has been filed for quashing the order contained in memo no. 793 dated 20.03.2017 passed by the District Education Officer, Banka (respondent no. 7) by which the order dated 16.03.2017 passed by the District Programme Officer (Establishment), Education Department, Banka (respondent no. 4) has been set aside without assigning any reason.

3. Learned counsel for the petitioner submits that earlier in



terms of memo no. 6 dated 15.02.2017 (Annexure-5) issued by the Secretary, Panchayat Teacher Niyojan Unit, Babura, Dhoraiya, District Banka she was transferred from N.P.S. Babura (Naya Tola), to N.P.S. Alalkita. Such order was however, cancelled by the District Programme Officer (Establishment), Education Department, Banka (respondent no. 4) vide memo no. 738 dated 16.03.2017 (Annexure-6) which makes it clear that the order of transfer dated 15.02.2017 was punitive transfer and not a transfer made for administrative reasons as stated. Moreover, the transfer order was also cancelled vide memo no. 738 dated 16.03.2017 (Annexure-6) as it was not made by the competent authority. The order of cancellation however, has been set aside by the District Education Officer, Banka (respondent no. 7) by the impugned order contained in memo no. 793 dated 20.03.2017 (Annexure-7), which has been passed without assigning any reason.

4. Despite copy of writ petition having been served on the respondents as far back as on 08.04.2017 no counter affidavit has been filed till date and as such the stand of the petitioner has not been controverted.

5. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. A bare perusal of the impugned order dated 20.03.2017 (Annexure-7) clearly shows that the same has been passed without assigning a single reason for setting aside the order dated 16.03.2017 passed by the District Programme Officer (Establishment), Education Department, Banka.

6. In the above view of the matter, the impugned order dated



20.03.2017 (Annexure-7) is hereby quashed and the matter remanded to the District Education Officer, Banka, District Banka (respondent no. 7) to pass speaking orders afresh, if so advised, in accordance with law and after grant of opportunity of hearing to the petitioner. In the meantime, the petitioner shall be permitted to rejoin on her post at N.P.S. Babura (Naya Tola).

7. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.09.2017
Transmission Date	N.A.

