

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9332 of 2017

=====

Vibha Kumari wife of Avdhesh Prasad, resident of Mohalla- Patel Nagar, P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The District Magistrate, District- Nawada.
3. The District Programme Officer (Establishment) District- Nawada.
4. The District Education Officer, District- Nawada.
5. The Block Development Officer, Block- Warisaliganj, District- Nawada. null null
6. The Block Education Officer, Block- Warisaliganj, District- Nawada.
7. Nagar Panchayat, Warisaliganj, District- Nawada through its Chief Executive Officer.
8. The Principal (I/C), S.G.B.K. Sahu Inter School, Warisaliganj, Block- Warisaliganj, District- Nawada.
9. The Principal, National Inter School, Maafi, District- Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Sinha, Advocate
For the Respondent No.7:		Mr. Krishna Kant Tiwari
		Mr. W.Rahman, Advocates
For the State	:	Mr. P.N.Sharma, AC to AG

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 30-11-2017

Herd learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is aggrieved by the order of transfer as contained in memo no. 453 dated 14.6.2017.

Mr. Shailendra Kumar Sinha, appearing on behalf of the petitioner submits that the order of transfer is without jurisdiction. He submits that notwithstanding the order was without jurisdiction the petitioner being a law abiding and disciplined employee has



reported at transferred place for joining but there was no vacant post and as such the petitioner is going without salary on account of the attitude adopted by the respondents.

Counsel appearing on behalf of the Nagar Panchahyat, Warshaliganj has opposed the writ petition. He submitted that the order of transfer was resorted to by the authorities under compulsion in order to maintain discipline.

Counsel for the State submits that in the totality of the fact situation, it would be appropriate to direct the Respondent No. 3, the District Programme Officer (Establishment), District-Nawada to look into the grievance of the petitioner and ensure his posting in a school where the petitioner may not have any difficulty in joining and getting salary.

In view of the aforesaid, the writ petition is disposed of with a direction to the Respondent No.3, the District Programme Officer (Establishment), Nawada to see that the petitioner is posted in the nearest school within a period of 15 days from today. The Respondent No. 3 is obliged to ensure that not only the petitioner is posted in a school where vacant post exists but also to ensure that the petitioner is paid salary regularly if he joins and discharges duty.



With the aforesaid observations, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2017
Transmission Date	

