

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

**Civil Writ Jurisdiction Case No.440 of 2017**

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Ram Nandan Sah, Son of Late Prithvi Chandra Sah, resident of Govt. Ambedkar Residential High School, Rampur, Forbisganj, Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna.
2. The Director, Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna.
3. The Deputy Director, Welfare, Purnea Division, Purnea.
4. The District Welfare Officer, Katihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Gyan Prakash, Adv.

For the Respondent/s : Mr. P.N. Sharma, AC to AG

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

**ORAL JUDGMENT**

**Date: 14-09-2017**

Heard learned counsel for the parties.

In the present case, the petitioner is claiming that his transfer at Government Schedule Tribes Residential High School, Bamdah, Jamui, is of no consequence as the fact is that another person, namely, Murari Kumar, has been transferred and joined the same school on the single post of English subject and the petitioner is also a teacher of English subject, there is only one sanctioned post for English subject, therefore, if the petitioner is compelled to join there, it will create problem.

The short fact of this case is that the petitioner was posted at Govt. Schedule Tribes Residential High School, Nima,



Katihar not Govt. Schedule Caste Residential High School, Sinhauli, Katihar, by general transfer order, issued by the Deputy Director vide letter dated 29.6.2016, at serial no. 61, the petitioner was posted at Government Schedule Tribes Residential High School, Bamdah, Jamui. He has pointed out the mistake in the transfer order as he was posted at Nima, Katihar not at Sinhauli, Katihar and, accordingly, the same should be corrected properly but, instead of correcting the same, the petitioner was posted at Govt. Ambedkar Schedule Caste Residential High School, Rampur, Forbesganj, Araria and, accordingly, he joined there on 9.9.2016. While he was working there, again the Deputy Director, vide letter dated 28.12.2016, referred that originally the petitioner was transferred at Bamdah, Jamui but, the looking to the requirement of the school, he was transferred to Rampur, Farbisganj, Araria and, on the direction of the Director vide letter dated 29.11.2016, another person has been transferred to Rampur, Farbisganj, Araria and, accordingly, he was relieved from there but, learned counsel for the petitioner has placed reliance on the order dated 12.4.2017, whereby, another person, namely, Murari Kumar has been placed at Bamdah, Jamui.

Learned counsel for the petitioner submits that there is only one vacant post of English at Government Schedule Tribes Residential High School, Bamdah, Jamui where the petitioner and one



Murari Kumar has been transferred, so it is very difficult for the two persons to be adjusted against one vacant post.

Learned counsel for the State submits that the letter dated 28.12.2016 has been passed mentioning therein that it was a temporary arrangement where the petitioner was adjusted.

Be that as it may, let the petitioner should file an application before the Director, Scheduled Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna, who will examine each aspect of the matter and take a decision with regard to placement of respective teacher so that there should not be any confusion with respect to place of posting.

With the aforementioned observation, this application is disposed of.

Till the decision is taken by the Director, the petitioner is allowed to continue at Govt. Ambedkar Schedule Caste Residential High School, Rampur, Forbisganj, Araria.

**(Shivaji Pandey, J)**

Rishi/-

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| AFR/NAFR          | NAFR       |
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