

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13523 of 2017

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Dharmendra Kumar son of Shiv Prasad Singh, resident of Village- Chanda,
P.S.- Obra, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Old Secretariat, Patna.
2. District Magistrate, Aurangabad, District- Aurangabad.
3. The District Education Officer, Aurangabad District- Aurangabad.
4. The District Programme Officer, Aurangabad District- Aurangabad.
5. The Block Development Officer cum Secretary Block Teacher Employment Unit, Obra, District- Aurangabad.
6. The Block Education Officer, Obra, District- Aurangabad.
7. The Block Pramukh, Obra, District- Aurangabad.
8. The Head Master (I/C Smt. Dulari Kumari), Shahi Madhya Vidyalaya, Chanda, P.S. and Anchal- Obra, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey

For the Respondent/s : Mr. Kameshwar Kumar - Gp17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioner, State and the
counsel appearing on behalf of the respondent no.8.

Counsel for the petitioner has submitted with reference to the concerned rule that petitioner cannot be transferred without his consent. Under the rule teacher can be transferred only twice in the whole service career and that too on his request or with consent and in the instant case order of transferred was passed without his consent.

Counsel for the respondent no.8 submits that the petitioner



is a problematic and the entire environment of the school is disturbed due to conduct of the petitioner.

Considering aforesaid argument, the court is of the view that the transfer without consent is not permissible on the ground of indiscipline of the petitioner from one school to another school.

Accordingly, the order contained in Annexure-1 is set aside. However, liberty shall be available to the respondent no.8 and other respondents to take appropriate disciplinary action, if the petitioner is creating any disturbance in the school which is not congenial for good administration and discipline.

Accordingly, the Annexure-1 is quashed. The writ petition is allowed to the extent indicated above.

(Anil Kumar Upadhyay, J)

Ravi/-

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