

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1891 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 9829 of 2016

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Shiv Kumari, wife of Shrawankumar Singh resident of Malighat Chuna Bhati Road
No. 3, Police Station, Mithanpura District Muzzafarpur, in the State of Bihar

.... Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Ministry of Human Resources, Department of Primary Education, New Secretariat, Govt. of Bihar, Patna.
2. The Director, Primary Education, New Secretariat Patna
3. The District Magistrate, Muzaffarpur.
4. The District Programme Officer (Establishment), Muzaffarpur.
5. Block Education, Sadar, Muzzafarpur.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Subhro Sanyal, Advocate.
Mr. Dharmeshwar Prasad Gupta, Advocate.

For the State : Mr. Raghwanand, GA-11.
Mr. Sanjay Kumar Tiwary, AC to GA-11.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-02-2017

The present Letters Patent Appeal is directed against an
order passed by the learned Single Bench on 23rd of August, 2016
whereby, the appellant has been transferred to her previous place of



posting i.e. Dardha Middle School, P.S.-Sakri, District-Muzaffarpur from B.M.P. Campus Middle School, Muzaffarpur.

2. Learned Single Bench has rightly dismissed the writ application as the transfer which the appellant has termed as cancellation of deputation cannot be permitted to be challenged in the present writ application.

3. Both the schools i.e. the B.M.P. Campus Middle School and the Dardha Middle School, are in the same district and are Government Schools. Therefore, the transfer of the appellant from one school to another within the same district cannot be said to be causing any hardship to the appellant.

4. Learned counsel for the appellant relies upon a Supreme Court Judgment reported as (2005) 8 SCC 394 (Union of India v. V. Ramakrishnan). The said judgment has no applicability to the facts of the present case, where the Court was considering the recall of a deputationist. The Court held that even where the tenure is not specified, an order of reversion can be questioned when the same is *mala fide*. Firstly, it is not a case of cancellation of deputation and secondly, there is no allegation of *mala fide*. It is case of transfer from one school to another in the same district.

5. Therefore, mere fact that the appellant has been transferred from one school to another will not confer any cause of action so as to invoke the extra-ordinary writ jurisdiction of this



Court.

6. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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