

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3437 of 2016

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Vibha Kumari wife of Ashok Kumar Sharma Resident of Village Hasanpur
, Naya Tola P.S Sidhawaliya District Gopalganj Presently Posted as
Assistant Teacher Upgraded Middle School , Balara Barauli, Gopalganj.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary Human Resources Development Department Govt. of Bihar, Patna.
2. The Director Primary Education, Bihar, Patna
3. The Regional Dy. Director of Education, Saran Division, Chapra.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer, Gopalganj.
6. The Block Education Officer, Barauli District Gopalganj.
7. The Headmaster Upgraded Middle School Balara Baraul, Gopalganj.
8. Vinay Kumar Rai, Incharge Headmaster Upgraded Middle school, Balara Barauli, Gopalganj.

.... Respondent

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Adv.
For the State : Mr. Vikas Kumar, A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 05-09-2017 Heard learned counsel for the petitioner as well as
learned counsel appearing for the State.

Petitioner was appointed as an Assistant Teacher in the
year 1988 and on her request she was transferred to Upgraded
Middle School, Balara, Barauli, District Gopalganj vide order
dated 20.06.2015. She gave her joining in the aforesaid school but
subsequently, she was again transferred from that school on the
ground that no post of Matric Trained Teacher was vacant in that
school.



Petitioner challenged the above stated transfer order on the ground that post of Matric Trained Teacher is vacant in the aforesaid school but in spite of that she was again transferred from Upgraded Middle School, Balara, Barauli, District Gopalganj within a very short span of two months. Learned counsel for the petitioner submits that petitioner made several request against her transfer but no heed was paid towards her request. He further submits that after joining at Upgraded Middle School, Balara, Barauli, District Gopalganj she has been getting her salary which proves that there is vacant post of Matric Trained Teacher.

On the other hand, learned counsel appearing for the State submits that no doubt, earlier petitioner was transferred to Upgraded Middle School, Balara, Barauli, District Gopalganj on her request but subsequently, it came to light that there was no vacant post of Matric Trained Teacher in the aforesaid school and in that circumstance, her previous transfer order was cancelled and she was asked to furnish three options for transfer but she failed to do so and thereafter she was transferred vide memo no. 204 dated 19.01.2016 which has been challenged in this writ petition.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this writ petition stands disposed of giving direction to respondent no. 2 (The Director,



Primary Education, Bihar, Patna) to look into the matter and take appropriate action in this matter within a period of four weeks from the date of receipt/production of copy of this order and if any vacant post of Matric Trained Teacher is lying in the above stated Upgraded Middle School, Balara, Barauli, District Gopalganj, then the respondent no. 2 shall cancel memo no. 204 dated 19.01.2016 and shall permit the petitioner to continue in the aforesaid school. It is made clear that if no post of Matric Trained Teacher is available in the aforesaid school, the petitioner shall join at her new place of posting within two weeks from the date of passing of appropriate order by respondent no. 2.

(Hemant Kumar Srivastava, J)

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