

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19957 of 2012

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Anjani Kumar son of Bansropan Prasad Keshri at present Address- Station Road,
Gajadhar Ganj, Buxar, P.S. - Buxar Town, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar through Special Secretary-Cum-Commissioner, Human
Resources Development Department, Bihar, Patna
2. The Director, Primary Education, Human Resources Development Department,
Patna
3. The Regional Deputy Director of Education, Patna Division, Patna
4. The District Magistrate-Cum-Chairman, District Education Establishment
Committee, Buxar
5. District Education Officer, Buxar, District - Buxar
6. The District Program Officer Establishment, Buxar
7. The District Education Establishment Committee, Buxar
8. The Treasury Officer, Buxar
9. The Area Education Officer, Buxar
10. The Block Education Officer, Itadhi, District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Respondent/s : Mr. Ram Balak Mahto, A.G.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-05-2017

The present application has been filed for quashing the order
of the District Education Officer, Buxar issued vide memo no.2638
dated 25.09.2012 regarding serial no.59, which relates to the
petitioner whereby he has been transferred from Primary School,



Bairi, Itadhi to Middle School, Kochbakasada, Itadhi.

2. By the aforesaid order of the District Education Officer, in all, 167 Science Graduate teachers have been promoted to the Graduate Trained Scale as per the provisions laid down by the rule of promotion of primary teachers of Government take over schools vide notification no.940 dated 01.09.2011 of the Human Resources Development Department, Government of Bihar.

3. It would be evident from the record that all the promotions and posting have been decided by the Promotion Committee. No ground for quashing the transfer order has been made in the writ petition. However, if the petitioner does not want to be promoted to the post of higher responsibility and wants to forego the promotion, he can do so by making a representation to the authorities in this behalf to remain in the same school.

4. Moreover, the teacher, who is aggrieved by the order of the Promotion Committee has to file an appeal before the Regional Deputy Director of the concerned division within thirty days of publication of promotion notification as per the Promotion Rule, 2011. The petitioner having not availed of the alternative remedy has challenged the order of transfer before this Court without their being any legal ground for the same.

5. In that view of the matter, the writ petition being devoid



of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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