

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.2 of 2016

IN

LPA 1183 of 2014

- =====
1. Ranjan Kumar S/o - Late Sachchida Nand Singh R/o Bharadwaj Nagar, Mohan Eghu, P.S. - Muffasil (Begusarai), District - Begusarai.
 2. Dhananjay Kumar S/o Jai Jai Ram Jha R/o - Amraur, P.O. Singhau, P.S. - Muffasil (Begusarai), District - Begusarai.
 3. Binay Kumar S/o Nand Kishore Singh R/o Village + P.O. - Bikrampur, P.S. - Cheria Bariyarpur, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Deputy Development Commissioner, Begusarai.
3. The Director, Primary Education Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Munger.
5. The District Education Officer, Begusarai.
6. The District Program Officer (Establishment), Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Adv.

For the Respondent/s : Mr. Anwaar Karim, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date: 13-12-2017

I.A. No. 128 of 2016

For the reasons mentioned in this application, the prayer made therein is allowed and the delay, in the filing the present civil review application, is condoned.

Accordingly, I.A. No. 128 of 2016 stands allowed.

Heard learned counsel for the petitioners and counsel



for the State.

In this case, the petitioners have challenged the transfer order as was affected on account of their promotion to the higher post.

This issue has earlier been gone into by the Writ Court in C.W.J.C. No. 13840 of 2013 and has been affirmed in L.P.A. No. 1183 of 2014.

Learned counsel for the petitioners submits that the authority for granting promotion as well as the transfer are two different authorities under the Promotion Rule vis-à-vis under the Transfer Rule and this issue has neither been dealt with by the Writ Court nor by the LPA Court. The LPA Court, while deciding the issue, has recorded as follows:-

“Hardly they evince any interest in teaching and they have the habit of rushing to the Court at every stage, if not to different authorities, on one pretext or the other. The result is that the High Court is flooded with the litigations pertaining to teachers and hardly the teachers have any time to impart instructions to the students. The appellants herein seem to be almost in the leading front.”

In both the orders, it has been held that the petitioners, after promotion, cannot now claim by way of right to remain on the same school and refused to interfere with transfer order.

Learned counsel for the petitioners has also submitted



that the petitioners have been further promoted.

In that view of the matter, naturally, after promotion, they would be transferred to the new school.

This Court does not find any error in the order passed earlier. Accordingly, this civil review application is dismissed.

So far as the cost part is concerned, it will be treated to have been deleted.

(Shivaji Pandey, J)

(Rajeev Ranjan Prasad, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.12.2017
Transmission Date	NA

