

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6874 of 2016

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1. Amrendra Kumar, Son of Late Shesh Kumar, Resident of Village-
Daudnagar Bam Road, Ward No. 17, Post Office- Daudnagar, District-
Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The District Education Officer, East Champaran, Motihari.
6. The District Superintendent of Education, East Champaran, Motihari.
7. The District Program Officer (Establishment), East Champaran, Motihari.
8. The Block Education Officer, Areraj East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Respondent/s : Mr. Kaushal Kr.Jha (AAG 8)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02 12.09.2017 Heard the parties.

Petitioner is a teacher and he joined at Government Middle school, Binvalia, Areraj, East Champaran as a matric trained teacher and subsequently, he was granted promotion on the post of graduate trained teacher. Petitioner made representation for his transfer from East Champaran to his own district Aurangabad and on the basis of representation, he as well as some others were transferred vide annexure 7 to



this petition.

The grievance of the petitioner is that the aforesaid transfer order vide memo no.917 dated 28.6.2013 contains the provision that graduate trained teachers shall not be transferred by the aforesaid transfer order. However, subsequently, in the year 2014, some teachers were also transferred but the aforesaid clause was not made applicable in their transfer order and, therefore, the petitioner seeks for quashing obstacle clause mentioned in the transfer order.

Learned counsel for the petitioner submits that the petitioner gave several representations before the competent authority but no order was passed and, as a matter of fact, rules framed for transfer of the teachers do not contain the aforesaid obstacle regarding transfer of the teachers.

Learned counsel appearing for the State points out that annexure 10 to the petition goes to show that the petitioner has given representation to the Director, Primary Education, Government of Bihar, Patna which is still pending.



Therefore, in the aforesaid circumstances, this petition stands disposed of giving direction to the Director, Primary Education, Government of Bihar, Patna to dispose of the above stated representation of the petitioner, if the same is still pending within four weeks from the date of receipt/production of a copy of this order. It is also made clear that if the above stated representation of the petitioner is found missing then, in that circumstance, the petitioner may file fresh representation before the Director, Primary Education, Government of Bihar, Patna within four weeks from today and if the petitioner does so, the Director, Primary Education, Government of Bihar, Patna shall pass appropriate order on the aforesaid representation of the petitioner in accordance with the rule within four weeks from the date of its filing.

Shahid

(Hemant Kumar Srivastava, J)

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