

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3535 of 2017

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Rama Kant Singh, Son of Late Fateh Singh, Resident of Quarter No. A5, MIT
Campus, Muzaffarpur, P.S. - Barhampura, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Science & Technology Department, Government of Bihar, Patna.
3. The Under Secretary, Science and Technology Department, Government of Bihar, Patna.
4. The Director, Science and Technology Department, Government of Bihar, Patna.
5. The Principal MIT, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Rajesh Kumar, Advocate

For the Respondents : Mr. Kumar Alok , SC 7
Mr. Raj Kumar Singh, AC to SC 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-09-2017

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order contained in Memo No. 244 dated 14.02.2017 issued under the signature of Principal, MIT, Muzaffarpur, (Annexure-1) whereby and whereunder the services of the petitioner on the post of Associate Professor, Maths has been transferred from MIT, Muzaffarpur to Ram Dhari Singh Dinkar Engineering College, Begusarai on the same post.

3. Learned counsel for the petitioner submits that the order of transfer is punitive and not impelled by administrative exigency. It is stated that the respondents have passed the order of



transfer as punishment in view of the alleged absence of the petitioner when the respondent-Director visited the Engineering College in respect of which one day's salary has been withheld treating his absence as casual leave without salary even though the petitioner claims to have been present on that date. It is stated that the petitioner has been transferred to work under the junior and it is not a scheduled transfer. It is stated that against six sanctioned posts, only three faculty members were working of which one has retired in June, 2017 and now two faculty members are working.

4. Learned counsel for the respondents, on the other hand, defends the order of transfer and refers to the counter affidavit to submit that the order of transfer is not a punitive order rather the same has been made keeping in view the administrative exigency. From the inspection report dated 12.11.2016 of the Director, it is evident that the number of teachers working at MIT, Muzaffarpur were in excess of the requirement and it was recommended that at least two regular teachers be transferred to other places where there was no Mathematics teacher available in order to ensure proper instructions to the students in the Mathematics subject. He further invites attention to paragraph 20 of the counter affidavit and submits that the petitioner did not have minimum qualification for the post of Principal of the Engineering College in terms of Appendix-1 of the Bihar Engineering Education Service Rules, 2014 and hence it was not a situation requiring him to work under the junior rather it would be a case of



working under a duly qualified person having minimum qualification for the post of Principal.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court is not inclined to interfere in the matter. In view of the inspection report of the Director, it is clear that the transfer order has been made for administrative reasons to ensure better instructions to the students in the Mathematics subject at the places where no Mathematics teacher was available. The plea that the petitioner is required to work under the junior does not have merit as such person is said to be a person duly qualified with minimum qualification for the post of Principal of the Engineering College which the petitioner does not possess. The stand of the respondents has not been controverted and no rejoinder to the counter affidavit has been filed on behalf of the petitioner.

6. The writ petition accordingly stands dismissed.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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