

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5019 of 2017

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Pramod Kumar Singh, Son of Late Yamuna Prasad Singh, at present posted as
Headmaster, Middle School, Kataiya, Block - Deo, District - Aurangabad
..... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education
Government of Bihar, New Secretariat, Patna
2. The Director, Primary Education, Government of Bihar, New Secretariat,
Bailey Road, Patna
3. The Regional Deputy Director of Education, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad, District - Aurangabad (Bihar)
6. The District Programme Officer (Establishment) District - Aurangabad
7. The Block Education Officer, Block - Deo, District - Aurangabad
8. Smt. Leela Kumari, Wife of Sri Vijay Singh, at present Headmistress, Middle,
School, Deo, Block - Deo, District - Aurangabad (Bihar)

..... Respondents

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Appearance :

For the Petitioner : Mr. Satish Chandra Mishra, Advocate
For the Respondents : Smt. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-09-2017

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing
the Office Order contained in Memo No. 161 dated 21.02.2017
(Annexure-16) passed by the Regional Deputy Director of Education,
Magadh Division, Gaya and issued under his signature so far as
petitioner is concerned in view of the fact that that the appeal dated
22.12.2016 (Annexure-12) filed by the petitioner before the Regional
Deputy Director of Education, Magadh Division, Gaya against his
transfer from the Middle School, Deo has been rejected.

3. Learned counsel for the petitioner submits that being



aggrieved by the order in memo no. 3649 dated 17.12.2016 (Annexure-10) by which respondent no. 8 has been posted at Middle School, Deo on promotion, the petitioner filed an appeal on 02.01.2017 (Annexure-12) before the Regional Deputy Director of Education, Magadh Division, Gaya, *inter alia*, claiming that he was entitled to continue at Middle School, Deo where he was working as In-Charge, Headmaster on provisional promotion. It is submitted that the appeal has been rejected by the Regional Deputy Director of Education, Magadh Division, Gaya without assigning any reason whatsoever.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the submissions of the petitioner and on perusal of the impugned order dated 21.02.2017, this Court finds merit in the writ petition. If all the appeals filed by different persons, except in the case of 16 persons, all other appeals including the appeal of the petitioner have been dismissed in one stroke without discussing the merits of the claims and without assigning any reason for such rejection. In his memo of appeal, the petitioner had duly claimed that if the post of Headmaster is vacant at the place from which the provisional promotion was given, the concerned incumbent was entitled to continue in the same place in accordance with prevailing Rules whereas one Smt. Leela Kumari had been posted at the Middle School, Deo against the available post where the petitioner had been working as In-Charge, Headmaster.



6. It is therefore clear that the impugned order dated 21.02.2017 passed by the Regional Deputy Director of Education, Magadh Division, Gaya in so far as concerns the petitioner, is clearly a non-speaking order and had been passed without due application of mind as the claim of the petitioner has not been discussed nor reasons given for not accepting the same.

7. In this view of the matter, the impugned order in so far it relates to the petitioner is hereby set aside with a direction to the Regional Deputy Director of Education, Magadh Division, Gaya (respondent no. 3) to consider the appeal of the petitioner and pass a reasoned order afresh in accordance with law and after grant of opportunity to the petitioner as well as Smt. Leela Kumari (respondent no. 8) of being heard in the matter expeditiously and in any event preferably within a period of two months from the date of receipt/production of a copy of this judgment.

8. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.09.2017
Transmission Date	N.A.

