

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13475 of 2017

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Ram Kumar Ram, S/o Late Sukhdeo Ram, Resident of Village-Kaithi, P.S.-
Obra, District-Aurangabad, at Present residing at Mohalla-Dani Bigha,
Ward No.-2, Near-Officers Colony, P.S.-Aurangabad, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education
Department, Govt. of Bihar, Patna.
2. The Director (Primary Education), Government of Bihar, Patna.
3. The regional Deputy Director of Education, Magadh Division, Gaya.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Aurangabad.
6. The Deputy Development Commissioner, Aurangabad
7. The District Education Officer, Aurangabad
8. The District Programme Officer, (Establishment), Aurangabad.
9. Sri Bali Gahalout, Son of not Known to the Petitioner, Presently Posted
as Headmaster in Upgraded Under, Middle School, Nawadih, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niranjana Kumar, Advocate
For the State : Mr. Lalit Kishore, A.G.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 30-11-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Counsel for the petitioner submits that the petitioner
is aggrieved by the order of transfer. He submits that he has threat
perception on account of fact that he is a witness in a criminal
case. He submits that petitioner has already represented the
District Education Officer, Aurangabad and the District
Programme Officer, Aurangabad vide representation contained in
Annexure-9 and 9/A but the respondents District Education



Officer, Aurangabad and District Programme Officer, Aurangabad are sitting tight over the matter. He submits that considering threat perception superior authorities have already directed the District Programme Officer and District Education Officer to pass appropriate order but still the respondents District Education Officer, Aurangabad and District Programme Officer, Aurangabad are sitting tight over the matter.

It is true that transfer is an incident of service and normally the court is not expected to interfere in the transfer matter. It is discretion of the authorities to decide where the employees should be posted. However, in appropriate cases considering hardship appropriate order is required to be passed by the authorities.

In the instant case, the petitioner is apprehending foul play on account of fact that he has received threat from the criminals against whom he is a witness in a criminal case. If the threat perception of the petitioner is real, the respondents are required to consider the threat perception of the petitioner objectively. Since the petitioner has already approached the respondents District Education Officer and District Programme Officer, Aurangabad by way of filing representation contained in Annexure-9 and 9/A, it would be appropriate that the respondents



District Education Officer and District Programme Officer,
Aurangabad may pass appropriate order at the earliest preferably
within a period of one month from the date of receipt/production
of this order.

It is made clear that this court has not expressed any
opinion on the merit of the case.

With the aforesaid, the writ petition is disposed of.

(Anil Kumar Upadhyay, J)

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