

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.475 of 2018

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Meena Kumari, Wife of Sri Indu Shekhar, Resident of B-77, Police Colony, P.O.-
Anisabad, P.S.-Gardanibagh, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through the Principal Secretary, Department, of Education,
Govt. of Bihar, Patna.
3. The Secretary, Department, of Education, Govt. of Bihar, Patna.
4. The Director, (Administration), Department of Education, Govt. of Bihar, Patna.
5. The Deputy Development Commissioner, Saran at Chapra.
6. The Regional Deputy Director, Education Saran at Chapra.
7. The District Magistrate, Saran, Chapra.
8. The District education officer, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra
For the Respondent/s : Mr. Prabhakar Jha -GP27

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 05-09-2018

1. The present writ petition has been filed for quashing the Memo dated 14.12.2017 passed by the District Education Officer, Saran, whereby and whereunder the department of the petitioner has been re-allocated and now, she has been assigned Project & Accounts department.

2. The learned counsel for the petitioner has submitted that the petitioner was deputed in the Education department by an order dated 08.07.2017 and she has been re-allocated and put in the Project & Accounts department by the impugned order dated 14.12.2017 on the pretext of and in compliance of the order of this Court passed in



CWJC no. 12047 of 2017.

3. *Per contra*, the learned counsel for the respondents has submitted that in view of the concurrence of the District Magistrate no illegality can be found in the impugned order dated 14.12.2017, even if the petitioner has been re-allocated within a period of two years.

4. I have heard the learned counsel for the parties and perused the order dated 06.10.2017 passed in CWJC no. 12047 of 2017 and I find that there was no direction for re-allocating the department of the petitioner herein, hence under the garb of the said order dated 06.10.2017 passed by this Court, the respondent-authorities could not have re-allocated the department of the petitioner herein against the rules.

5. For the reasons mentioned hereinabove, the order contained in Memo dated 14.12.2017 passed by the District Education Officer, Saran is quashed *qua* the petitioner herein.

6. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2018
Transmission Date	NA

