

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18344 of 2017

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Birendra Thakur, S/o Late Mangal Thakur, Resident of Village- Madwapakar,
P.O.- Choubey Ambad, District- Muzaffarpur, presently working as Assistant
Teacher, Middle School, Chanda Prakhand- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. The Additional Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer (Establishment), Patna.
7. The Block Education Officer, Athmalgola, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Ray
For the Respondent/s : Smt. Shilpa Singh -Ga12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-03-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Counsel appearing on behalf of the petitioner
submits that on account of ailment of his wife, petitioner is
eligible to be considered for transfer in terms of policy decision
contained in Annexure-3. He has placed reliance on certificate
of the Medical Board to contend that mental distress comes
within the purview of ailment in the category of Annexure-6.

On the other hand, learned counsel for the State
submits that there is difference between mental distress and
mental ailment, the kind of medical certificate issued by the



Medical Board does not indicate that wife of the petitioner is suffering from any mental ailment.

Learned counsel for the petitioner contends that respondents have not taken decision in the matter of this petitioner whereas similarly circumstanced others have been favoured with the choice posting and transfer.

Considering the totality of facts situation, the writ petition is disposed of with direction to the Director Primary Education to examine the case of the petitioner in the light of Medical Board certificate vis-à-vis Policy decision contained in Annexure-3 and take final decision by reasoned and speaking order within a period of one month from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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