

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5870 of 2018

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1. Chandani Kumari, Wife of Ambay Kumar Amar, Resident of village- Mohimdi, P.S. Bihariganj, District Madhepura at present working as Block Teacher in Upgraded Middle School, Mohimdi, Block- Udakishunganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The District Education Officer, Madhepura.
4. The District Programme Officer, (Establishment), Madhepura.
5. The District Programme Officer (Mid day meal Scheme) Madhepura.
6. The Sub Divisional Officer, Udakishunganj District- Madhepura.
7. The Block Teachers Employment Unit, Udakishunganj through its Secretary, the Block Development Officer, Udakishunganj, District- Madhepura.
8. The Block Development Officer, Udakishunganj, District- Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Respondent/s : Mr. Prabhakar Jha -Gp27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner, counsel appearing on behalf of the State.

Petitioner has filed present application for quashing order dated 14.03.2018, Annexure-6, whereby the petitioner have been transferred from one place to another.

Learned counsel for the petitioner submits that Rule does not permit transfer of the petitioner without his consent. Learned counsel for the State submits that the petitioner was transferred



along with other on administrative ground. Under the Rule transfer is permissible on administration ground provided there is authorization of the competent authority for the same. The respondents have not issued any notification of authorization for exercise of power and in the absence of specific notification authorizing a particular officer to exercise power of transfer on administrative ground, the transfer is only permissible on the personal request.

In view of the above, the Court does not find justification in the transfer of the petitioner on administrative ground. The order of transfer cannot sustain in view of Rule regulating transfer accordingly to Annexure-7 so far as it relates to the petitioner is concerned held to be unsustainable and accordingly the same is quashed.

The writ petition is allowed to the extent indicated above.

(Anil Kumar Upadhyay, J)

Sanjeev/-

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