

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14376 of 2017

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Gopal Prasad Gupta Son of Kardhani Sao Working as Headmaster Middle
School Bharub Under PS Obra District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Human Resources
Development Department, Bihar Patna.
2. Director, Primary Education, Bihar, Patna.
3. District Magistrate, Aurangabad.
4. The regional Deputy Director of Education, Magadh Range Gaya.
5. District Education Officer, Aurangabad.
6. District Programe Officer, (Establishment),Aurangabad.
7. Rameshwar Chaudhary Son of not Known Working as Headmaster Thakur
Madhaya Bidyalaya (Middle School) Daudnagar, P.S. Daudnagar & District
Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Respondent/s : Mr. Kameshwar Kumarkameshwar Kumar - Gp-
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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 25-04-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner belongs to physically disadvantageous
class. He was transferred and posted vide Annexure-3, Memo No.
3649 dated 17.12.2016 issued by the District Education Officer,
Aurangabad.



The grievance of the petitioner in the present writ application is that in the matter of posting the respondents have not followed their own policy decision of accommodating the physically disadvantageous/ physically challenged persons.

In the counter affidavit, the respondents have taken a plea that the person posted in the school, where the petitioner has opted for posting, is above in the merit list and as such the case of the petitioner was not considered.

Learned counsel for the petitioner submits that when physically challenged has to be preferred in transfer and posting, the merit consideration becomes secondary and respondents are not justified in not allotting preferential choice to the petitioner in the matter of posting.

Vide order dated 17.11.2017, while issuing notice to respondent No. 7, this Court has stayed the operation of the order but the respondent No. 7 has not chosen to enter appearance despite valid service of notice.

Under aforesaid circumstances, the writ petition is disposed of with a direction to the respondent-District Education Officer, Aurangabad to consider afresh the choice posting of the petitioner considering their own policy decision and the fact that the petitioner is physically challenged.



In the meantime, the operation of Annexure-3 shall be kept in abeyance.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2.6.2018
Transmission Date	

