

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.172 of 2018

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Shambhu Prasad Yadav, Son of Late Mathura Prasad Yadav, Resident of
Village- Shekhapura Bazar, P.O.- Nimi, District- Shekhapura
... Petitioner

Versus

1. The State of Bihar through Principal Secretary Education Department New Secretariat, Patna.
 2. The Regional Deputy Director of Education, Munger, Division, Munger.
 3. The District Education Officer, Shekhapura, District- Shekhapura
... Respondents
- =====

Appearance :

For the Petitioner : Mr. Pratap Sharma. Adv.
For the Respondents : Mr. Jitendra Kr. Roy No-1-SC XIII

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 18-06-2018

Heard the counsel for the petitioner and State.

In this case, the petitioner has raised the grievance and made a prayer for quashing the order vide memo no. 1258, dated 22.12.2017, and its consequential order, dated 23.12.2017, contained in Memo No. 1274, whereby and whereunder the petitioner has been transferred from Sheikhpura to Jamui. The counsel for the petitioner has not disputed that the petitioner can not be transferred from one district to another district, but, having submitted that the petitioner has been transferred on the complaint of local Member of Legislative Assembly, which can not be approved by this Court.

The Member of Legislative Assembly can bring the behaviour of the employee to the notice of the competent authority and the competent authority can take its decision independently after proper enquiry without being influenced by the contents made in the



complaint petition, but, the competent authority will have to act as an independent arbitrator and take a decision with respect to transfer of the employee.

The counsel for the petitioner submits that after receipt of the complaint, enquiry was conducted by the District Education Officer, Sheikhpura, who has written letter no. 644, dated 11.11.2017, and letter no. 665, dated 11.11.2017, to the Regional Deputy Director, Education, Munger Division, Munger, to consider the case of the petitioner sympathetically, but, instead the petitioner has been transferred to Jamui.

Let the petitioner should file representation before the Director, Primary Education, Patna, who will consider the case of the petitioner and will take decision in accordance with law, within three months, from the date of receipt/production of a copy of this order, if the petitioner files representation, along with the copy of this order.

With the aforesaid observations and directions, this application stands **disposed off**.

(Shivaji Pandey, J)

Shamshad/-

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