

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16640 of 2017

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Mina Kumari, Wife of Late Anil Kumar Chaudhary, Incharge Head Mistress,
Middle School, Begampur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Department,
Patna.
2. Director, Primary Education, Bihar, Patna.
3. District Magistrate, Begusarai.
4. District Programme Officer (Establishment), Education Department, Begusarai.
5. Block Education Officer, Khodabandpur Block, District- Begusarai.
6. Head Master, Middle School Meghaul (D.D.O. for Middle School Begampur),
District- Begusarai.
7. Smt. Panch Mukhi Kumari, Teacher, Middle School, Begampur, P.S.-
Khodabandpur, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Respondent/s : Smt. Binita Singh, SC-28
Mr. Nishant Kumar Jha, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 22-03-2018

Heard learned counsel for the petitioner and State.

The instant writ application has been filed by the petitioner for quashing the order of transfer (Annexure-2) and also for a direction to the respondents to pay salary to the petitioner from June, 2016.

From the averments made in the writ application, it appears that when the petitioner was posted in the school on appointment, she raised many folds grievance including misbehaviour and threat perception in working in the school at Begampur. When the



officials of the State took cognizance of threat perception and the complaint of the petitioner as to misbehaviour in the school at Begampur, the petitioner was transferred to Girls Middle School Mahna (Barauni) vide order as contained in Annexure-2.

Now the petitioner is raising the grievance against the order as contained in Annexure-2, which is reproduced for ready reference:

“कार्यालय जिला शिक्षा पदाधिकारी, बेगूसराय
(स्थापना शाखा, शिक्षा विभाग)
कार्यालय आदेश

...../मध्य विधालय बेगमपुर
(खादाबन्दपुर) में उत्पन्न अराजकता के मद्देनजर जिला पदाधिकारी, बेगूसराय से प्राप्त सहमति उपरान्त जिला शिक्षा पदाधिकारी, बेगूसराय के पत्रांक – 427, दिनांक– 27.04.2017 द्वारा श्रीमति मीना कुमारी स0 शि0 मध्य विधालय बेगमपुर को प्रशासनिक दृष्टिकोण से स्थानांतरण हेतु, प्राप्त आदेश के आलोक में श्रीमति मीना कुमारी को मध्य विधालय बेगमपुर से स्थानांतरित करते हुये कन्या मध्य विधालय महना (बरौनी) में पदस्थापित किया जाता है।

प्रखंड शिक्षा पदाधिकारी, खोदाबन्दपुर को आदेश दिया जाता है कि श्रीमति मीना कुमारी को स्थानांतरित विधालय में नियमानुसार योगदान हेतु विरमित करना सुनिश्चित करेंगे।

विश्वासभाजन

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जिला कार्यक्रम पदाधिकारी
स्थापना शाखा (शिक्षा विभाग)
बेगूसराय।”



In view of the background of posting of the petitioner vide Annexure-2, the Court does not find any infirmity in the order, as contained in Annexure-2. The other grievance with regard to non-payment of salary is concerned, liberty shall be available to the petitioner to file representation before the District Programme Officer, (Establishment) Begusarai along with a copy of this order within a period of one month from today and the District Programme Officer, (Establishment) Begusarai is required to enquire into the claim of the petitioner and if it is found that the petitioner has actually worked for the period, the petitioner is claiming salary, necessary order for payment of unpaid salary be passed by the respondent District Programme Officer, (Establishment) Begusarai within a period of sixty from the date of receipt of representation.

The respondent District Programme Officer, (Establishment) Begusarai is also required to ensure payment to the petitioner within the time frame indicated hereinabove.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2018
Transmission Date	

