

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 19930 of 2018

Nibha Kumari, daughter of Rajendra Singh and wife of Arun Kumar Singh,
Resident of Village – Phulwariya Tole Ganour Singh, Police Station – Maker,
District – Saran at Chapra

... .. Petitioner/s

Versus

- 1 The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar
- 2 The Principal Secretary, Department of Education, Government of Bihar, Patna
- 3 The District Education Officer, Saran Programme Officer (Establishment), Saran at Chapra
- 4 The Block Development Officer -cum- Member Secretary, Block Teacher Employment Unit, Maker, Saran at Chapra
- 5 The Block Education Officer, Maker, Saran at Chapra
- 6 The Director, Primary Education, Education Department, Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Satya Prakash, Advocate
For the S t a t e : Mr Subash Chandra Mishra, SC 16

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-11-2018

Learned counsel for the petitioner is directed to implead Director, Primary Education, Government of Bihar as respondent No 6 to this writ petition.

It is petitioner's case that in terms of a decision dated 31.08.2017 in the meeting of the Block Teachers Employment Unit, the petitioner's services have been transferred from the Upgraded Middle School, Jamalki, Maker, Saran to Upgraded Middle School, Chandila, Maker, Saran. The order to this effect dated 04.09.2017 has been issued by the Member Secretary,



Block Teachers Employment Unit -cum- Block Development Officer, Maker, Saran.

The office order as well as the decision, as per submission of the learned counsel for the petitioner, runs parallel to the Government instructions in this regard dated 20.04.2017 issued by the Director, Primary Education under Memo No 410 which prescribes that the transfer in respect of the Block Teacher is to be done by the “Authorized officer”. The said Government instructions notifies the District Education Officer of the concerned District to be the “Authorized officer” for issuing such transfer order. The submission of the petitioner is that the order transferring her services having been issued by an incompetent authority in violation of the Government instructions dated 20.04.2017, taken note hereinabove, and is without jurisdiction.

Since the said submission is regarding violation of the instructions issued by the Director, Primary Education, it would be in the interest of justice if the Director, Primary Education examines the petitioner’s grievance.

The petitioner is permitted to approach the Director, Primary Education by filing a detailed representation highlighting the aforesaid grievance within a period of two



weeks from today.

In the event, such an application is filed, the Director, Primary Education would be obliged to dispose of the same by reasoned and speaking order within a period of two weeks thereafter. The entire exercise should be completed expeditiously as the transfer of the petitioner is an issue and should be disposed of expeditiously.

Writ petition is disposed of with the liberty/directions contained herein above.

(Madhuresh Prasad, J)

M.E.H./-

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