

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19792 of 2018

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Sushma Kumari W/o Sanjay Kumar R/o Mohalla- Kachahri Road Amber,
Bihar Sharif, P.S. Bihar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda at Bihar Sharif.
3. District Education Officer, Nalanda at Bihar Sharif.
4. District Programme Officer, (Establishment) Nalanda at Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav
For the Respondent/s : Mr. Kameshwar Kumar Gp17

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-12-2018 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

The petitioner is aggrieved by the order of her transfer dated 16.8.2018 by which she has been transferred from Middle School, Khandakpur to Upgraded Middle School, Ramjichak, Bihar Sharif.

It is submitted that in the School from where the petitioner has been transferred there is no post vacant for Art Teacher, still a teacher of Arts has been posted in the School from where the petitioner has been transferred.

It is also submitted that the petitioner is suffering from eczema and, therefore, the respondents should have re-considered the transfer order so as to enable her to stay in the



same School i.e. Middle School Khandakpar at Biharsharif.

Perusal of the two transfer orders dated 31.7.2018 and 16.8.2018 shows that pursuant to the first transfer order the petitioner had made her objection. It appears that her claim that she was not well and suffering from serious eczema has been considered by the authorities and her transferred place of posting has been shifted from “Silao” to another School at “Biharsharif” itself. The respondents, therefore, appear to have considered the petitioner’s claim as it appears that there was sufficient scope to accommodate the petitioner’s prayer to remain within the “Biharsharif”. The petitioner cannot claim any right to continue at same School in “Biharsharif” as is sought to be made out by challenging the transfer order dated 16.8.2018.

It is needless to say that transfer is an incident of service. The respondents in view of administrative exigency, within a permissible limit, have accommodated the petitioner's prayer for being within Biharsharif. She cannot claim any indefeasible right to continue in the same School at Khandakpar.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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