

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14756 of 2018

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Sunil Kumar Keshari, Son of Dr. Banshropan Prasad Keshari, Resident of Mohalla- Station Road Buxar, opposite D.A.V. School, Post Office- Gajadharganj, District- Buxar, at present posted and working as an Assistant Teacher in Govt. Middle School Dumari, Block- Simri, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Cabinet Secretary, Govt. of Bihar, Patna.
4. The Principal Secretary, Department of Education, Government of Bihar, Patna.
5. The Director, Primary Education, Government of Bihar, Patna.
6. The Regional Deputy Director of Education, Patna Division, Patna.
7. The District Education Officer, Buxar.
8. The District Programme Officer (Establishment) Buxar.
9. The District Programme Officer (R.M.S.), Buxar.
10. The Block Education Officer, Simri, Buxar.
11. Haridarshan Verma Head Teacher, Primary School Raghunathpur, Brahmpur.
12. Rajendra Upadhyay, At present Posted and Working as a Teacher in Govt. Middle School Sondiha, Buxar.
13. Gyanchand Rai, At present posted and working as a teacher in Govt. Middle School Kamarpur, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Adv.
For the State : Mr. Arvind Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-08-2018 Heard the parties.

In the present writ application, the following reliefs have been sought for on behalf of the petitioner :

1(I) For issuance of an appropriate writ mandamus for commanding directing the respondent authorities concerned to transfer the petitioner as per option exercised by him, in proper format duly recommended by the authorities concerned as per the



Bihar Nationalized Elementary Teacher Transfer Disciplinary Action and Promotion Rule, 2018.

(II) For issuance of an appropriate writ as an alternative prayer for commanding and directing the respondent authorities concerned to transfer the petitioner as per the Rule, as the petitioner has made an application before the District Magistrate, Buxar on 30.05.2018, which is being duly recommended by the Incharge Officer, District Development Branch, Buxar vide Memo No. 414 dated 08.06.2018 to the District Programme Officer (Establishment) Buxar, but even after that, the same has not been considered at all.

(III) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to dispose of the application/representation of the petitioner by reasoned and speaking order by ventilating the genuine grievance of the petitioner by way of his transfer in the nearest school so that he might be able to look after his old aged ailing father, as he is the only person to look after his father.

(IV) For issuance of an appropriate writ in the nature of prohibition by restraining the respondent authorities concerned to accommodate and transfer the private respondents, who have erroneously been transferred and posted after their revocation of suspension against the department's circulars and orders, by which, it has been made clear that except the month of June, for all other transfers approval



must be taken from the senior level officer.”

The petitioner had filed a representation vide Annexure-8 to the present application before the Respondent No.8 for redressal of his grievance. The said representation is pending till date.

The Respondent No.8 i.e. The District Programme Officer (Establishment), Buxar is directed to consider and dispose of the representation of the petitioner in accordance with law within a period of two months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

