

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3892 of 2016

Arising out of

Civil Writ Jurisdiction Case No.11160 of 2016

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1. Harikant Thakur, son of late Baidhnath Thakur, resident of village + P.O.- Patahi, P.S.- Sadar, District Muzaffarpur.
 2. Onkar Prasad Singh, son of late Ramchandra Singh, resident of village and Post- Pratapur, District Muzaffarpur.
 3. Rajkumar Jha, son of Shri Satyadev Jha, resident of village and Post- Kharaunadih, District - Muzaffarpur.
 4. Awadhesh Prasad Sinha, son of Shri Raghunath Singh, resident of village- Aima, P.O. Gidha, District Muzaffarpur.
 5. Nirmala Kumari, wife of Vinod Kumar Singh, resident of village- Roopnarayanpur, P.O. Sahdeyi Bujurg, District Vaishali.
 6. Satyendra Kumar Sah, son of Shri Mathura Prasad Sah, resident of village- Majrohi Raghunandan , P.O. Sahdeyee Bujurg, District- Vaishali.
 7. Bibha Rani, wife of Manoj Kumar Singh, resident of village- Gyaspur, P.O. Gyaspur, P.S.- Paru, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri R.K. Mahajan, Principal Secretary, Education Department, New Secretariate, Patna.
3. Sri Ramchandra Tuddu, the Director, Primary Education, Education Department, New Secretariat Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Advocate
For the Opposite Party/s	:	Mr. Rakesh Nr. Singh, AC to AAG-15
For the Intervenor	:	Mr. P. K. Shahi, Sr. Advocate
		Mr. Raghib Ahsan, Sr. Advocate
		Mr. Brisketu Sharan Pandey, Advocate
		Mr. Md. Khalil, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-11-2019

Heard learned counsel for the petitioners; learned AC
to AAG-15 for the State and Mr. P. K. Shahi, learned Senior
Counsel along with Mr. Brisketu Sharan Pandey, learned



counsel, for the Intervenor-Nageshwar Kumar.

2. Today, the position is that against the order dated 18.08.2016 passed in CWJC No.11160 of 2016 and its analogous cases, the intervenor had preferred LPA No.263 of 2019, which was disposed off by the Division Bench leaving it open to the petitioner to challenge the order of transfer in an appropriate independent action/application and if such an application is preferred, the Court observed that all pleas available to the petitioner shall be taken as open for submission.

3. Pursuant thereto, learned counsel for the intervenor submitted that many persons covered by such observation filed CWJC No.14500 of 2019 and analogous cases, which was disposed off by order dated 11.09.2019 by directing the Director, Primary Education, to take fresh decision with regard to posting of the petitioners. It was further observed that already existing notification of transfer shall not come in the way of taking fresh decision after review of entire transfer within the time frame indicated.

4. On a specific query of the Court to learned counsel for the petitioners as to whether they are covered by such direction of the co-ordinate Bench to the Director, Primary Education, to consider afresh the issue of transfer, he submitted



that they are also covered under such direction and in the exercise to be conducted by him their cases shall also have to be freshly considered.

5. Having regard to the aforesaid, there cannot be any question of contempt of the order dated 18.08.2016 passed in CWJC No.11160 of 2016 and its analogous cases.

6. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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