

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5451 of 2019

Umakant Roy S/o Late Shyam Sunder Roy Resident of Refugee Colony,
Block Road, Ward No. 6, P.s.- Sadar, Distt.- Saharsa, Presently Posted as
Headmaster, Residential Middle School, Parvinia, Kahra, Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education (Primary), Govt. of Bihar, Patna
2. The Joint Secretary Department of Primary Education, Govt. of Bihar, Patna
3. The Director Primary Education, Govt. of Bihar, Patna
4. The Regional Dy. Director of Education Koshi Division, Saharsa
5. The District Education Officer Saharsa
6. The District Programme Officer (Establishment) Saharsa
7. The Additional Collector (Public Grievance Redressal) Saharsa-cum-District Public Redressal Officer Saharsa
8. The Block Education Officer Kahra, Saharsa
9. Shri Sanjeev Kumar S/o Shri Chandeshwari Gupta Resident of Parvinia, P.o.- Diwari, P.s.- Sonebarsa Kachahari, Block- Kahra, Distt.- Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh
For the Respondent/s : Smt. Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 09-09-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Grievance of the petitioner is with regard to Annexure-9 and 10. Annexure-9 is the order passed in purported exercise of Public Grievance Redressal Forum. The Forum has limited role and it has absolutely no jurisdiction in the matter of any disciplinary action or any power to regulate service condition of the petitioner. Therefore, Annexure-9 cannot sustain and it is quashed. Adverting to the decision contained in



Annexure-10 on perusal of the record, it transpires that Annexure-10 is the decision of adjustment as adjustment under rule is only permissible for the purpose of maintaining student teacher ratio that cannot be used for the purpose of transfer and posting. Accordingly, Annexure-10 is quashed.

The concerned Officer including the District Programme Officer (Establishment), Saharsa is directed to take up the matter in the District Establishment Committee for fresh decision in accordance with law. The previous decision shall not in any manner influence the respondents in taking fresh decision.

Necessary fresh decision must be taken by the respondents within a period of 15 days from the date of receipt/production of a copy of this order.

Since the District Programme Officer (Establishment), Saharsa is present in Court, his personal appearance is dispensed with.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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