

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3047 of 2018

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Ram Chandra Rai, S/o Late Banshi Prasad, Abheyash Middle School,
Nawada, At + P.S. + District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Commissioner, Magadh Division, Gaya.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The Lok Sikayat Niwarn Padadhikari, Nawada.
5. The District Education Officer, Nawada.
6. The Personal Secretary, Divisional Commissioner, Magadh Division, Gaya.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 3199 of 2018

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Shiv Kumar Prasad, S/o Prayag Prasad, Navin Govt. Middle School, Par
Nawada, P.O. + P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Commissioner, Magadh Division, Gaya.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The Lok Sikayat Niwarn Padadhikari, Nawada.
5. The District Education Officer, Nawada.
6. The Personal Secretary, Divisional Commissioner, Magadh Division, Gaya.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 3911 of 2018

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Ashok Kumar, s/o Late Lakhan Singh, Head Master, Nagar Middle School
Nawada, P.O. + P.S. Nawada, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Commissioner, Magadh Division, Gaya.



3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The Lok Sikayat Niwarn Padadhikari, Nawada.
5. The District Education Officer, Nawada.
6. The Personal Secretary, Divisional Commissioner, Magadh Division, Gaya.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 3047 of 2018)

For the Petitioner/s : Mr.Rajeev Kumar Singh

For the Respondent/s : Mr.Vivek Anand Amritesh AC to SC-28

(In Civil Writ Jurisdiction Case No. 3199 of 2018)

For the Petitioner/s : Mr.Rajeev Kumar Singh

Mr. Sitaram Prasad

For the Respondent/s : Smt. Binita Singh -Sc28

(In Civil Writ Jurisdiction Case No. 3911 of 2018)

For the Petitioner/s : Mr.Rajeev Kumar Singh

For the Respondent/s : Mr.Subhash Chandra Mishra- Sc16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 27-06-2019 Heard learned counsel for the petitioners and the State.

The petitioners are aggrieved by the order of transfer issued by respondent no.4 vide order dated 17.10.2016. The petitioners have also prayed for quashing of the order dated 06.02.2018 issued by the Personal Secretary, Divisional Commissioner, Magadh Division, Gaya.

The only issue involved in the present case is whether the respondent no.4 and respondent no.6 have any jurisdiction in the matter of transfer and posting of the petitioners.

The petitioners are teachers posted in Middle school in the district of Nawada. They were subsequently promoted as



Headmaster vide order dated 29.06.2013 and they were posted in different schools in the district of Nawada.

Mr. Rajeev Kumar Singh, learned counsel for the petitioners submits that the petitioners are teachers and as such they are covered by the Service Condition Rules. He further submits that under the Service Condition Rules, neither the Commissioner of the Division nor the Lok Sikayat Padadhikari, Nawada has any jurisdiction and as such the order passed at their instance vide Annexure-3 Series and Annexure-8 are totally without jurisdiction.

On going through the orders as contained in Annexure-3 Series and Annexure-8, the Court finds substance in the submissions advanced by Mr. Rajeev Kumar Singh. The service conditions are regulated by the Service Condition Rules and service condition Rule of the Teachers does not authorize the Secretary of the Commissioner or the Lok Sikayat Padadhikari, Nawada to pass any order with regard to transfer.

Considering the aforesaid, the writ applications are allowed. The orders as contained in Annexure-3 Series and Annexure-8 are hereby quashed. However, quashing of Annexure-3 Series and Annexure-8 will not come in the way of the respondents for passing fresh order in accordance with law.



With the aforesaid, these writ applications stand
allowed and disposed of.

(Anil Kumar Upadhyay, J)

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