

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9312 of 2018

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Randhir Kumar S/o Laxman Singh resident of village - Karamkila, P.O.
Jhumardihra, P.S. Barun, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Aurangabad.
3. The Director Education Department, Bihar, Patna.
4. The District Education Officer, Aurangabad.
5. The District Education Extension Officer, Aurangabad.
6. The District Programme Officer Est., Aurangabad.
7. The Block Development Officer, Barun, Aurangabad.
8. The Block Education Officer, Barun, Aurangabad.
9. The Block Pramukh Barun, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw, G.P. 23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is aggrieved by the action of the
respondents in withholding the payment of his salary until he he
returns to his original school.

Learned counsel for the petitioner, referring to the
averments made in the writ application, submits that the
petitioner on his request has been transferred to the Rakiya
Upgraded Middle School, Block Headquarters, Barun,



notwithstanding the availability of vacancy of Physical Teacher in the Upgraded Middle School, Block Headquarters, Barun. Respondent No. 9 is instrumental in return of the petitioner and rejoining in the same school wherefrom the petitioner was transferred.

Learned counsel for the petitioner would submit that the petitioner is continuing at Barun in view of interim order.

Learned counsel appearing for the Respondent No. 9 submits that there is no post of Physical Teacher in Upgraded Middle School, Block Headquarters, Barun and as such petitioner was sent back to the original school. Since the Rule permits transfer on request, there is no legal impediment in posting and continuance of the petitioner in Upgraded Middle School, Block Headquarters, Barun, except the availability of the post of Physical Teacher. If the post of Physical Teacher is available in Upgraded Middle School, Block Headquarters, Barun, then the petitioner shall be allowed to continue there.

In the event, there is no post of Physical Teacher in the Upgraded Middle School, Block Headquarters, Barun, the respondents shall take decision of posting of the petitioner in any place near to Barun considering his request. The respondents, while taking decision, is required to consider the



payment of the salary, which was kept on hold, to the petitioner.

With the directions aforesaid, this writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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