

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9197 of 2018

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Kumari Shimala Yadav Wife of Sri Sunil Rai Resident of Village- Ghosi Amour, P.O. and P.S. Amnour, District - Saran at Chapra, Presently Posted as Panchayat Teacher, Primary School, Amnour Aguaan, Anchal- Amnour, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education , Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The District Magistrate, Saran at Chapra, District- Saran at Chapra.
6. The District Education Officer, Saran at Chapra, District- Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra, District- Saran at Chapra.
8. The Block Development Officer, Amnour, District- Saran at Chapra.
9. The Block Education Officer, Amnour, District- Saran at Chapra.
10. The Mukhiya, Gram Panchayat Raj, Amnour Kalyan, Block Amnour, District- Saran at Chapra.
11. The Panchayat Secretary, Gram Panchayat Raj, Amnour Kalyan, Block- Amnour, District- Saran at Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 27-06-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner has approached this Court against the order of transfer dated 05.03.2018.

Learned counsel for the petitioner would submit that



in terms of Bihar Panchayat Elementary Teachers (Appointment & Service Condition) Rules, 2012, transfer of Panchayat Teacher/Block Teacher is required to balance the Teacher Student ratio. The decision to transfer the petitioner is contrary to the Rules. In addition thereto, the order of transfer was passed by the Panchayat Secretary who lacks jurisdiction. This Court, while granting interim relief to the petitioner on 11.05.2018, directed the respondents to file counter affidavit. But the respondents have chosen not to file counter affidavit till date.

Under the aforesaid facts and circumstances, the Court is left with no option but to allow this writ petition and quash the order contained in Annexure 5. However, quashing of Annexure 5 will not come in the way of the respondents in taking decision in accordance with law.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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