

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14482 of 2018

Shiv Shankar Pal Son of Late Rajvansh Pal, Permanent Resident of Village-Kudra, P.S. Kudra, District-Kaimur, Presently Resident of Mohalla-Nirajan Bigha, P.S. Dehir-on-Sone, District-Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Secondary Education, Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Regional Deputy Director, Education, Patna Division, Patna.
4. The District Programme Officer, Establishment, Education, Rohtas Sasaram.
5. The Head Master, Secondary High School, Tilauthu, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Ataul Haque, Adv.
For the State	:	Mr. Priyadarshi Matri Sharma, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-06-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is aggrieved by the transfer on the
allegation of serious lapse of the petitioner.

Learned counsel for the petitioner submits that
transfer with stigma is impermissible particularly, in view of the
fact that there is no complaint or materials to form any opinion
that the petitioner has committed any mischief or lapse
warranting any administrative/disciplinary action.

Learned counsel for the petitioner submits that
petitioner is prepared to join the transfer post provided the
stigma attached to the transfer may be revoked.



Considering the aforesaid, the writ petition is disposed of with a direction to the respondents to pass appropriate order deleting the stigma as to the serious lapse otherwise transfer by way of punishment is impermissible. The clarification at the level of the respondent authority whether the transfer is by way of punishment or administrative exigencies has to be taken by the respondent at the earliest preferably within a period of 30 days. In the event, the respondents attaches stigma as to lapse or mischief of the petitioner the order of transfer cannot given effect and as such they have to withdraw the order of transfer, as transfer by way of punishment is impermissible otherwise they have to recall the order which attaches stigma against the petitioner. Necessary decision/clarification on the aforesaid point may be the District Education Officer, Sasaram at the earliest preferably within a period of 30 days from the date of receipt/production of copy of this order.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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