

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14273 of 2019

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Lalbahadur Rai Son of Sri Ramayan Rai Resident of Village and P.O.-
Fajullahpur, P.S. Rajapatti, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Regional Deputy Director of Education, Saran Division, Chapra.
3. The District Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.
5. The Block Education Officer, Baikunthpur, P.O. and P.S.- Baikunthpur, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.
For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner has filed present writ application for quashing the letter No. 921 dated 30.11.2018 whereby the order of posting of the petitioner by the District Programme Officer (Establishment), Gopalganj was canceled.

Learned counsel for the petitioner submits that after the commencement of model code of conduct due to election the order dated 30.11.2018 was kept in abeyance. After the parliamentary election is over now the order dated 30.11.2018 is made operational. The petitioner has challenged the decision



dated 30.11.2018. Transfer is incidence of service and the Court is not expected to interfere with the transfer order unless it is attended with malafide or without jurisdiction. The order dated 30.11.2018 does not suffer from either lack of jurisdiction or malafide.

Under the aforesaid circumstanced, the Court is not inclined to grant any indulgence in the present case. However, on joining at transfer place petitioner may represent the Regional Deputy Director of Education, Saran Division, Chapra highlighting his personal problem and threat to his life. The Regional Deputy Director of Education, Saran Division, Chapra shall consider the representation of the petitioner and pass appropriate order at the earliest preferably within a period of 60 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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