

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15586 of 2019

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Ashok Kumar Son of Late Dhaneshwar Singh Resident of Village-
Fatehpurwala, P.S.- Musarigharari, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The District Magistrate Samastipur, District- Samastipur.
5. The District Education Officer Samastipur, District- Samastipur.
6. The District Programme Officer (Establishment) Education, Samastipur, District- Samastipur.
7. The Block Development Officer Block- Tajpur, District- Samastipur.
8. The Block Education Officer Block- Tajpur, District- Samastipur.
9. The Mukhiya Gram Panchayat Raj, Gauspur Sarsauna, Block- Tajpur, District- Samastipur.
10. The Panchayat Secretary Gram Panchayat Raj, Gauspur Sarsauna, Block- Tajpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is the order of transfer. Learned counsel for the petitioner would submit that the transfer order contrary to the scheme of the State Government.

Learned counsel for the petitioner submits that the employment unit has acted on the dictate of the Block



Development Officer, Tajpur, District-Samastipur who has absolutely no jurisdiction in the matter of Primary Panchayat Shikshak. He submits that the rule referred to for transfer of the petitioner is totally alien and has no application in the fact situation. He submits that transfer at the instance of Block Development Officer is nullity in the eye of law in addition thereto, he submits that transfer is not permissible in the fact situation as rule referred to in the impugned order are attracted only for the purpose of adjustment of teachers to maintain the teacher and student ration under the Right to Compulsory Education Act, which is not attracted in the present case as he has been transferred on the allegation of lapses.

Considering the aforesaid, the Court is of the considered view that the order contained in Annexure-6 passed at the instance of Block Development Officer, Tajpur, Samastipur is arbitrary exercise of powers and as such the order dated 16.07.2019 contained in Annexure-6 is quashed, the present writ application is allowed to the extent indicated above.

(Anil Kumar Upadhyay, J)

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