

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16745 of 2019**

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1. Kumari Anju W/o Shri Kaushalendra Pratap Singh @ Kaushalendra Kumar Singh R/o Village-Silari, P.S. Sheosagar, District-Rohtas
  2. Kaushalendra Pratap Singh @ Kaushalendra Kumar Singh S/o Late Ramji Singh R/o Village-Silari, P.S. Sheosagar, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary Department of Education, Government of Bihar, Patna
3. The Regional Deputy Director of Education Patna Division, Patna
4. The District Magistrate Rohtas, Sasaram
5. The District Education Officer Rohtas, Sasaram
6. The District Programme Officer (Establishment) Rohtas, Sasaram
7. The Block Development Officer Sheosagar, District-Rohtas
8. The Block Education Officer Sheosagar, Rohtas
9. The State Appellate Authority Education Department, Government of Bihar, Patna
10. The District Teachers Employment Appellate Authority Rohtas

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Patanjali Rishi  
For the Respondent/s : Mr. Arbind Kumar Singh ( Gp20 )

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      19-08-2019                      Petitioners have been transferred on the ground of administrative lapses. The service of the petitioners is regulated by rules. Rule 15 (k)(iv) transfer is only permissible in two situations; firstly on the request of the teachers concerned and secondly in order to maintain teachers students ratio in terms of Right to Free and Compulsory Education Act, 2009 the Rule does not permit transfer on any other ground.

Petitioners were transferred on the allegation of administrative lapses and indiscipline. Rule does not permit



transfer on such ground. Disciplinary proceedings are permissible for any disciplinary lapses and the respondents cannot in the garb of maintaining discipline, transferred the petitioner contrary to the scheme of rule of transfer.

The District Teachers Employment Appellate Authority as well as State Appellate Authority have not construed with provisions of relevant rules regarding transfer and as such the Court is of the considered view that the order contained in Annexure-10 and the order passed by the District Teachers Employment Appellate Authority contained in Annexure-P/13 as well as order of the State Appellate Authority contained in Annexure-14 suffers from the voice of total non application of mind to the statutory rule and as such order contained in Annexures-10,13 and 14 cannot sustain and it is accordingly quashed.

The respondents are directed to restore the petitioners in their original place of posting within a period of 30 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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