

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16653 of 2019

Subhash Chander Chandel S/o Shri Munni Prasad Singh Resident of Mohalla-Samir Takia, Police station- Civil Line, Distt.- Gaya. At present posted and working as a Headmaster in Govt. Middle School Jaigir, Anchal- Barachatti, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-the Principal Secretary Education Department, Govt. of Bihar, Patna
3. The Director Primary Education, Bihar, Patna
4. The Regional Deputy Director of Education Magadh Division, Gaya
5. The District Education Officer-cum-the Chairman District Elementary Teachers Promotion Committee, Gaya
6. The District Education Officer Gaya
7. The District Programme Officer (Establishment)-cum-the Member Secretary District Elementary Teachers Promotion Committee, Gaya
8. The District Programme Officer (Establishment) Gaya
9. The Block Education Officer Barachatti, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate

For the Respondent/s : Mr.Shankar Kumar Thakur, AC to GP-27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-08-2019 Heard learned counsel for the petitioner and the State.

The grievance of the petitioner in the present writ petition is non-consideration of his case for choice posting.

Learned counsel appearing on behalf of the petitioner, with reference to the notification dated 21.3.2018, as contained in Annexure-2, submits that in terms of the aforesaid notification the petitioner has represented before the District Programme Officer (Establishment), Gaya for consideration of his case.

The transfer is an incidence of service and one cannot



claim that he should continue at particular place or transferred to a particular place. The authorities have to see that posting should be done in a manner to better serve the cause of education. The Court is not supposed to interfere in the administrative decision having bearing on academics.

Learned counsel for the petitioner submits that in terms of Annexure-2, the petitioner has represented seeking transfer as per his choice.

The Court does not feel persuaded to issue direction to the respondents with regard to transfer and choice posting of the petitioner. The authorities concerned are competent to take appropriate decision having regard to academic interest and interest of teaching.

Accordingly, the writ petition is disposed of with a direction to the concerned respondent to consider the representation of the petitioner, if any, in accordance with law and pass appropriate order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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