

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3177 of 2018

1. Deepak Kumar, Son of Late Bisheshwar Paswan, Resident of Village- Suja, Police Station- Muffasil, District- Begusarai.
2. Nawal Das, Son of Bhanu Ravidas, Resident of Village- Ghoghi Bariyarpur, Losghani, Police Station- Piri Bajar, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Begusarai.
4. The District Programme Officer (Establishment), Begusarai.
5. The District Education Officer, Lakhisarai.
6. The District Programme Officer, Establishment, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr. Umesh Narayan Dubey, GP-27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-06-2019 Heard learned counsel for the petitioners and the State.

The petitioners are aggrieved by the order as contained in Annexure-1.

Earlier the petitioners were working as teacher in the State of Bihar. After bifurcation, the services of the petitioners were allocated in the State of Jharkhand. On the basis of mutual transfer, the petitioners have been transferred and posted as Assistant Teachers at Banka. Subsequently, they have been transferred to Begusarai and Lakhisarai vide Annexure-5 dated



23.03.2017. Later on, the order as contained in Annexure-5 was withdrawn referring to Bihar State Rajyakrit Primary School Teacher (Transfer) Rules, 2006.

Learned counsel for the petitioners submits that in terms of Rule 3 (kh) of 2006 Transfer Rules, the petitioners were entitled to transfer, but the respondents have acted in most arbitrary manner in withdrawing the decision of transfer dated 23.09.2017. He submits that under the Rules, transfer is permissible after five years (now it has been reduced to 4 years).

Learned counsel for the respondents submits that there is no infirmity in the order as contained in Annexure-1, as the respondents have acted in accordance with Transfer Rules, 2006 considering the fact that on mutual transfer the petitioners have come back to the State of Bihar and they have been posted at Banka in 2013/2014. The transfer was only permissible on completion of five years at the relevant time.

Learned counsel for the petitioners submits that the petitioners have completed more than four years and they are now eligible for consideration of their cases for transfer in terms of Rule 3 (kh) of 2006 Transfer Rules.

In view of the above, the writ application is disposed of with liberty to the petitioners to approach the competent



authority for consideration of their cases for transfer in accordance with 3 (kh) of 2006 Transfer Rules, if the petitioners fulfill the condition of transfer.

Necessary decision in this regard must be taken by the competent authority within a maximum period of three months 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)

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