

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.486 of 2018**

**In**

**Civil Writ Jurisdiction Case No.5482 of 2017**

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Punam Kumari W/o Ravindra Kumar Resident of Mohalla/ Village-  
Daudwat, P.S.-Habibpur and District-Bhagalpur.

... .. Petitioner

Versus

1. Mr. R. K. Mahajan, The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna & Ors
2. Mr. Ajay Kumar Choudhary Son of not Known to the Petitioner, the Director, Primary Education, Govt. of Bihar, Patna.
3. Mr. Md. Ahsan Son of not Known to the Petitioner, The District Programme Officer, Banka
4. Mr. Dev Narayan Pandit Son of not Known to the Petitioner, the Director, Programme Officer (Establishment), Education Department, Banka.
5. Mr. Pankaj Kumar Son of not Known to the Petitioner, The Block Education Officer, Dhoraiya, Distt.-Banka.
6. Mr. Uma Kant Yadav Son of not Known to the Petitioner the Secretary, Panchayat teacher Niyog Unit Makaita Babura, Dhoraiya, Distt.-Banka.
7. Mr. Anil Sharma Son of not Known to the Petitioner, The Education Officer, Banka, Distt.-Banka.

... .. Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Swapnil Kumar Singh  
For the Opposite Parties : Mrs. Silpa Singh, GA-12

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date : 02-01-2019**

The present petition has been filed for initiating a contempt proceeding against the opposite parties for willful disobedience of the judgment of this Court dated 12.09.2017 passed in C.W.J.C. No. 5482 of 2017 requiring the authorities to consider the petitioner's case and taking decision at their end.

2. Learned counsel for the petitioner submits that the opposite parties have deliberately flouted the order of this Court and are liable for contempt. It is pointed out that pursuant to the



judgment dated 12.09.2017 passed by this Court in C.W.J.C. No. 5482 of 2017, the petitioner was reverted to her original place of posting from N.P.S. Alalkita to N.P.S. Naya Tola, Babura by order dated 20.03.2018. The petitioner accordingly submitted her joining on 23.03.2018 at N.P.S. Naya Tola, Babura which was accepted on 24.03.2018. However on the very same day she was once again transferred from N.P.S. Naya Tola, Babura to N.P.S. Alalkita.

3. Learned counsel for the opposite parties on the other hand submits that the judgment dated 12.09.2017 was duly complied with in terms of the office order dated 20.03.2018 (Annexure-A to the show cause) by which the petitioner was once again directed to submit her joining at N.P.S. Naya Tola, Babura. After submitting her joining on 23.03.2018 which was accepted on 24.03.2018 (Annexure-B to the show cause), the petitioner herself submitted an application the very same day, stating that she was facing difficulty in coming to and from the school as the environment in the village was not favourable, and as such, requested for her transfer to some other school. It is only in view of the petitioner's own request that the order dated 24.03.2018 was passed, transferring her to N.P.S. Alalkita. Such order has been passed by the Block Education Officer on the directions of the District Programme Officer (Establishment), Banka who was the competent authority for the purpose. It is therefore submitted that the infirmities leading to the earlier quashing of the transfer order



in C.W.J.C. No. 5482 of 2017 have thus been removed and the transfer has validly been made for administrative reasons and on the petitioner’s own request.

4. A rejoinder has been filed on behalf of the petitioner but there is no specific denial of the stand of the opposite parties. More specifically, the petitioner has not denied having submitted her request for transfer on 24.03.2018 (Annexure-C to the show cause).

5. In the above circumstances, this Court is not satisfied that any case for contempt has been made out against the opposite parties. The contempt petition stands dismissed.

(Vikash Jain, J)

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