

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7564 of 2018

1. Vinay Kumar and Ors Son of Yogendra Prasad Singh, resident of village- Rampur, Police Station- Narhat, District- Nawada, at present Hans Niketan Hulas Vihar, Phase-2, Harnichak School, Beur Anishabad, Patna- 2.
2. Rajeev Kumar Mehta, Son of Sachchidanand Mehta, resident of Village- Shivrampur, Police Station- Piri Bazar, District- Lakhisarai.
3. Shambhu Paswan, Son of Dukha Paswan, resident of Village- Amarpur, Police Station- Medini Chowk, District- Lakhisarai.
4. Bhola Prasad Yadav, Son of Late Batoran Yadav, resident of Tulsitole Paharpur, Police Station- Balia, District- Begusarai.
5. Ashok Kumar Yadav, Son of Late Banke Bihari Yadav, resident of Village- Maheshua, Police Station- Mdhepura, District- Madhepura.
6. Vakil Prasad Yadav, Son of Satyanarayan Yadav, Resident of Village- Bhavanipur, Police Station- Bhavanipur, District- Purnea.
7. Amrendra Kumar Yadav, Son of Late Banke Bihari Yadav, resident of Village- Maheshua, Police Station- Madhepura, District- Mdhepura.
8. Rakesh Kumar, aged about 43 years, Son of Ram Naresh Singh, resident of Village- Darbeshpura, Police Station- Saksohra, District- Patna.
9. Rakesh Ranjan, Son of Ram Dayal Singh, Resident of Village- Bhagwanpur, Police Station- Masaurhi, District- Patna.
10. Raghunandan Prasad, Son of Deo Narayan Pandit, resident of Sipara, Police Station- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Primary Education, Bihar, Patna.
3. The District Education Officer, Banka.
4. The District Programme Officer ESTD, Banka.
5. The District Education Officer, Nalanda.
6. The District Programme Officer ESTD, Nalanda.
7. The District Education Officer, Gaya.
8. The District Programme Officer ESTD, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate
For the Respondent/s : Mr. Samir Kumar, A.C. to S.C.16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER



3 27-06-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners were earlier working as Teachers in the undivided State of Bihar. On account of bifurcation of the State, the services of the petitioners was allocated to the State of Jharkhand. After bifurcation from State of Jharkhand, the petitioners were returned back to the State of Bihar on the basis of mutual transfer in between the years 2012-15.

Learned counsel for the petitioners would submit that in terms of 2006 Transfer Rules, particularly, Rule 3 (Kha) of the Rules, the petitioners are entitled to consideration of their case for transfer. Considering the scheme contained in 2006 Transfer Rules, the writ petition is disposed of with a direction to the respondents to consider the case of the petitioners for transfer in terms of Rule 3 (kha) of Transfer Rules 2006.

In order to facilitate the respondent Director, Primary Education to take appropriate decision with regard to transfer, the petitioners are granted liberty to file fresh representation along with a copy of this order. In case, the representation is filed by the petitioners, the respondent Director shall take appropriate decision with regard to transfer in terms of Transfer Rule 2006 at the earliest preferably within a period of 3 months



from the date of filing of such representation.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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