

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19634 of 2019

Subodh Prasad Son of Shiv Govind Prasad Resident of Village- Bawanganj,
P.S. Korha, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Purnea Division, Purnea.
5. The District Education Officer, Katihar.
6. The District Programme Officer (Establishment), Katihar.
7. The District Programme Officer, Planning and Accounts cum Enquiry Officer, Katihar.
8. The Block Education Officer cum Presiding Officer, Barari, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Prabhakar Jha, G.P. 27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioner and learned
counsel for the respondent Sate.

The petitioner is aggrieved by the order of transfer by
way of punishment contained in Memo No. 83 dated 12.01.2019
issued by District Programme Officer (Establishment) Katihar.

Transfer is admissible only on request or in order to
maintain student teacher ratio.

Considering the scope of the transfer and the Rules
regulating transfer, the Court is of the considered view that the
order of transfer is unsustainable as the administrative ground



may be a good ground for initiating disciplinary proceeding and punishment if anyone is found guilty in the proceeding but transfer order cannot be used as a tool in the name of administrative ground.

Considering the aforesaid, the present writ application is allowed and the order contained in 'Annexure 1' is quashed. The present writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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