

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19383 of 2019

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Rabindra Kunwar, Son of Sri Paras Nath Kunwar, resident of Kajirawan,
Khurd, P.O. Mishra Batarahan, P.S.- Fulwaria, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar,
New Secretariat, Patna.
2. The District Magistrate, Gopalganj.
3. The Sub-Divisional Officer, Hathua, P.O. and P.S. Hathua, District-
Gopalganj.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Advocate
For the State : Mr.Prabhat Ranjan Singh, AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 23-09-2019

Heard learned counsel for the petitioner and the

State.

2. Two-fold grievances have been raised in the present writ petition. Firstly, it is submitted that Sub-Divisional Officer has no jurisdiction to pass any order with regard to payment of salary to the petitioner as the service condition of the petitioner is regulated by the rules which does not recognize the Sub-Divisional Officer as competent authority. Secondly, it is submitted that the petitioner has threat perception, hence he should be transferred to any other school.

3. Learned counsel appearing on behalf of the petitioner submits that the respondents may be directed to consider



the case of the petitioner for transfer at appropriate place having regard to the threat perception.

4. So far as the first part of the grievance is concerned, the Court is of the view that the SDO has no jurisdiction in the matter of regulating service condition and passing order of stay of salary of the petitioner. Accordingly, the order dated 29.01.2019, Annexure-1 is quashed. The respondents are directed to take appropriate decision with regard to payment of salary notwithstanding Annexure-1 which has been quashed.

5. The issue with regard to transfer and posting having regard to the threat perception, the petitioner, if so advised, may approach the competent authority who shall consider his case for transfer and posting in terms of the rules at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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