

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20012 of 2019

1. Rajendra Kumar Sinha, Son of Late Umesh Prasad Sinha Resident of Mohalla- Brahm Sthan, Maranpur, Chand Chaura, Police Station- Vishnupad, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Charokhari, Anchal- Fatehpur, District- Gaya.
2. Surendra Kumar Son of Late Chandrika Prasad Resident of Mohalla- Brahm Sthan, Maranpur, Chand Chaura, Police Station- Vishnupad, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Raundawa, Anchal- Mohanpur, District- Gaya.
3. Subodh Kumar Son of Late Vishun Singh Resident of Mohalla- Pant Nagar, Police Station- Vishnupad, District- Gaya. At present posted and working as a Headmaster in Govt. Upgraded Middle School Purnibathan, Anchal- Fatehpur, District- Gaya.
4. Krishna Kishore Prasad Son of Late Awadhesh Prasad Resident of Mohalla- Gulabbagh, P.S.- Kotwali, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Khiri, Anchal- Atari, District- Gaya.
5. Binod Prasad Sinha Son of Dhanraj Prasad Sinha Resident of Mohalla- Rajkamal Nursing Home, Mause More, P.S.- Bodh Gaya, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Nidani, Anchal- Mohanpur, District- Gaya.
6. Suryadeo Prasad Son of Gauri Prasad Resident of Village- Guriyawan, P.S.- Mohanpur, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Lai, Anchal- Mohanpur, District- Gaya.
7. Ashwini Kumar Son of Late Lakshman Prasad Resident of Mohalla- Pantnagar Colony, P.S.- Vishnupad, District- Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Upgraded Middle School Dumri, Anchal- Fatehpur, District- Gaya.
8. Sunil Kumar Son of Baleshwar Prasad Resident of Village- Barhi Bigha, P.S.- Wazirganj, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Tarwe, Anchal- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum- the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer-cum- the Chairman, District Elementary Teachers Promotion and Transfer Committee, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer (Establishment)-cum- the Member Secretary, District Elementary Teachers Promotion and Transfer Committee, Gaya.



8. The District Programme Officer (Establishment), Gaya.
9. The Block Education Officer, Fatehpur, District- Gaya.
10. The Block Education Officer, Mohanpur, District- Gaya.
11. The Block Education Officer, Atari, District- Gaya.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 20026 of 2019

1. Ravindra Kumar, Son of Sri Sitaram Prasad, Resident of Mohalla- Manjhoulia, Madanpur, Police Station- Amas, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Jhikatiya Kala, Anchal- Imamganj, District- Gaya.
2. Mahendra Das, Son of Late Ramchandra Das, Resident of Village- Baniyan, Police Station- Madanpur, District- Aurangabad. At present posted and working as a Headmaster in Govt. Middle School karasan Kala, Anchal- Imamganj, District- Gaya.
3. Jitendra Kumar, Son of Late Subse Paswan, Resident of Village- badki Delha, Vijay Bigaha, Police Station - Delha, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Shyamkala, Anchal- Amas, District- Gaya.
4. Mithilesh Kumar, Son of Late Bhagwan Prasad, Resident of Village- Lao, P.s.- Tekari, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Satamas, Anchal- Khizersarai, District- Gaya.
5. Chandramani Kumar, Son of Late Mahendra Prasad Singh, Resident of Village- Jamuawan, P.S.- Mahkar, District- Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Simrauka, Anchal- Khizersarai, District- Gaya.
6. Birendra Kumar, Son of Late Shyam Lal Mehta, Resident of Mohalla- New Colony Dandibag, Road No. 10, P.S.- Vishnupad, District- Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Milki, Anchal- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary- cum- the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer,-cum-the Chairman, District Elementary Teachers Promotion and Transfer Committee, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer (Establishment)-cum-the Member Secretary, District Elementary Teachers Promotion and Transfer Committee, Gaya.



8. The District Programme Officer (Establishment), Gaya.
9. The Block Education Officer, Imamganj, District- Gaya.
10. The Block Education Officer, Amas, District- Gaya.
11. The Block Education Officer, Khizersarai, District- Gaya.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 20045 of 2019

1. Sanjay Kumar, Son of Late Ajay Kumar, Resident of Village- Pura, Police Station- Tekari, District- Gaya. Presently residing at Amit Smriti Niwas, East Side Naily Dubhal Road, Khatkachak, Maranpur, Post Office- Chand Chaura, Gaya. At present posted and working as a Headmaster in Govt. Middle School Laikhaipur, Anchal- Mohanpur, District- Gaya.
2. Akhilesh Singh, Son of Chandra Mani Singh, Resident of Village- Kharanti, Near Vastu Vihar, Phase-I, P.S. Bodh Gaya, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Khurmawan, Anchal- Dobhi, District- Gaya.
3. Satish Kumar Sinha, Son of Sri Laxmi Saw, Resident of Mohalla- Ashok Bihar Colony, Near Durga Mandir, Maranpur, P.S.- Vishnupad, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Ladu, Anchal- Mohanpur, District- Gaya.
4. Madan Mohan Lal, Son of Late Murari Mohan Lal, Resident of Mohalla- Ashok Bihar Colony, in front of Durga Mandir, Police Station- Vishnupad, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Lodiya, Anchal- Mohanpur, District- Gaya.
5. Umesh Rajak, Son of Late Ramchandra Rajak, Resident of Village- Moratal, Police Station- Bodh Gaya, District- Gaya. At present posted and Working as a Headmaster in Govt. Middle School Amkola, Anchal- Mohanpur, District- Gaya.
6. Pradeep Kr. Pandey, Son of Late Ramavtar Pandey, Resident of Village- Baraur, P.S. Bodh Gaya, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Binda, Anchal- Barachatti, District- Gaya.
7. Anil Kumar, Son of Sri Ganga Ram, Resident of Mohalla- Bairagi, Near- Bada Kuan, P.S.- Kotwali, District- Gaya. At present posted and Working as a Headmaster in Govt. Middle School Malheya, Anchal- Tekari, District- Gaya.
8. Dr. Arvind Kumar Roy, Son of Sri Rambriksh Ram, Resient of Village- Chahal Murera, P.S.- Atari, District- Gaya. At present posted and Working as a Headmaster in Govt. Middle School Bapugram, Anchal- Fatehpur, District- Gaya.
9. Abhay Kumar, Son of Sri Jagadish Ram, Resident of Village- Chahal Murera, P.S.- Atari, District- Gaya. At present posted and Working as a Headmaster in Govt. Middle School Hariyadag, Anchal- Mohanpur, District- Gaya.
10. Suresh Chaudhary, Son of Late Ram Charitar Chaudhary, Resident of



- Village Sodhna, P.S.- Chakand, District- Gaya. At present posted and Working as a Headmaster in Govt. Middle School Dariyapur, Anchal- Mohra, District- Gaya.
11. Md. Azaz Ahmad, Son of Md. Nawab Zada, Resident of Village Aliganj, Road No. 7 , Police Station- Chandauti, District- Gaya. At present posted and Working as a Trained Graduate Teacher in Govt. Middle School Bijhari, Anchal- Konch, District- Gaya.
 12. Shama Jehan, Daughter of Abdul Manan Rahmani, Resident of Mohalla- New Karimganj, Road No. 13 Shivali Colony, Police Station- Civil Lines Gaya, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Panchayati Akhada, Anchal- Nagar Nigam (North), District- Gaya.
 13. Subodh Kumar, Son of Late Krishan Kumar Prasad, Resident of Mohalla- House No. 28, A.P. Colony, Gaya Police Station- Rampur, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Turikala, Anchal- Bodh Gaya, District- Gaya.
 14. Bindu Rani, Wife of Kundan Kumar Mastana, Resident of Mohalla- Nutan Nagar, Police Station- Civil Lines, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Neema, Anchal- Nagar Prakhand, District- Gaya.
 15. Md. Khalid Kabir, Son of Late Md. Mazhar Hassan Ansari, Resident of Village- Bunda Bigha, Police Station- Barachatti, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Kharati, Anchal- Dobhi, District- Gaya.
 16. Rajesh Kumar, Son of Sri Devendra Prasad, Resident of Mohalla Janki Nath Bagicha, Gewal Bigha, Police Station- Rampur, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Nadarpur, Anchal- Dobhi, District- Gaya.
 17. Dharmendra Kumar Bharti, Son of Sri Baleshwar Prasad Bharti, Resident of Mohalla- New Colony, Barchi Asthan, Kharkhura, Police Station- Delha, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Kespa, Anchal- Tekari, District- Gaya.
 18. Ram Lakhan Chaudhary, Son of Sri Sahbir Chaudhary, Resident of Village- Nepa, Police Station- Tekari, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Siyadih, Anchal- Konch, District- Gaya.
 19. Umesh Prasad Paswan, Son of Sri Nageshwar Paswan, Resident of Mohalla- New Godam, Police Station- Kotwali, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Meyari, Anchal- Fatehpur, District- Gaya.
 20. Pramod Kumar Singh, Son of Late Krishan Kumar Prasad, Resident of Mohalla- Nadraganj, Police Station- Civil Lines, District- Gaya. At present posted and working as a Trained Graduate Teacher in Govt. Middle School Baheda, Anchal- Wazirganj, District- Gaya.
 21. Chitranjan Singh, Son of Sri Dhruv Pati Singh, Resident of Village- Paraiya Khurd, Police Station- Paraiya, District- Gaya. At present posted and working as a Headmaster in Govt. Middle School Garari, Anchal- Konch,



District- Gaya.

22. Amit Kumar, Son of Sri Anil Das, Resident of Village- Chamangarh, Police Station- Naya Ramnagar, District- Munger. At present posted and working as a Matric Trained Teacher in Govt. Primary School Bakdawan (ST), Anchal- Wazirganj, District- Gaya.
23. Rajiv Ranjan, Son of Late Sri Kant Singh, Resident of Village- Jaitpur, Police Station- Haspura, District- Aurangabad. At present posted and working as a Headmaster in Govt. Middle School Dhanchhua, Anchal- Konch, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary-cum-the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer-cum-the Chairman, District Elementary Teachers Promotion and Transfer Committee, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer (Establishment)-cum-the Member Secretary, District Elementary Teachers Promotion and Transfer Committee, Gaya.
8. The District Programme Officer (Establishment), Gaya.
9. The Block Education Officer, Mohanpur, District- Gaya.
10. The Block Education Officer, Dobhi, District- Gaya.
11. The Block Education Officer, Barachatti, District- Gaya.
12. The Block Education Officer, Tekari, District- Gaya.
13. The Block Education Officer, Fatehpur, District- Gaya.
14. The Block Education Officer, Mohra, District- Gaya.
15. The Block Education Officer, Nagar Nigam (North), District- Gaya.
16. The Block Education Officer, Bodh Gaya, District- Gaya.
17. The Block Education Officer, Nagar Prakhand, District- Gaya.
18. The Block Education Officer, Konch, District- Gaya.
19. The Block Education Officer, Wazirganj, District- Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20049 of 2019

1. Rambali Prajapati, Son of Sri Rameshwar Prajapati, Resident of Village- Wari, Police Station- Dobhi, District- Gaya, At Present Posted and Working as an Assistant Teacher in Govt. Middle School Boknari, Block- Paraiya, District- Gaya.



2. Javed Arshad, Son of late Abdul Rahim Ansari, Resident of Mohalla- Road No.1, Aliganj, Police Station- Chandauti, District- Gaya, At Present Posted and Working as an Assistant Teacher in Govt.Primary School Lachhanaiti, Block- Sherghati, District- Gaya.
3. Shabbir Ali, Son of late Mohammad Shahabuddin, Resident of Village- Chatarghat, Police Station- Chakand, District- Gaya, At Present Posted and Working as an Assistant Teacher in Govt. Primary School Sagarpur, Guriyawa, Mohanpur, Block- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-Cum-The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer-Cum-The Chairman, District Elementary Teachers Promotion and Transfer Committee, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer(Establishment)-Cum-The Member Secretary, District Elementary Teachers Promotion and Transfer Committee, Gaya.
8. The District Programme Officer, Establishment, Gaya.
9. The Block Education Officer, Paraiya, District- Gaya.
10. The Block Education Officer, Sherghati, District- Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20198 of 2019

1. Md. Aftab Son of Late Md. Nasiruddin, Resident of Village-Silaunja, Police Station-Bela in the district of Gaya.
2. Md. Umardaraj, Son of Late Gulam Mustafa, Resident of Village-Bara, Police Station- Chakand in the district of Gaya.
3. Md. Qutubuddin, Son of Late Md. Naimuddin, Resident of Village-Bara, Police Station-Chakand in the district of Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer, Gaya.



6. The District Program Officer (Estb.), Gaya.
7. The Block Education Officer, Barachatti in the district of Gaya.
8. The Block Education Officer, Konch in the district of Gaya.
9. The Block Education Officer, Bodh Gaya in the district of Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20303 of 2019

Devendra Kumar Dev, Son of Late Bhola Pandit, Resident of Village- Sidani, P.s.- belaganj, District- Gaya at Present Posted as Acting Headmaster (Graduate Trained) Middle School, Turi, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar Patna.
2. The Director Primary Education, Bihar Patna.
3. The Regional Deputy Director, of Education Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The District Education Establishment Committee (Promotion and Transfer) Gaya through it's Chairman.
6. The District Education Officer, Gaya.
7. The District Programme Officer, (Establishment) Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20325 of 2019

1. Arvind Kumar Son of Late Ram Ratan Singh Resident of Mohalla- Hanuman Nagar, Mustafabad, P.S.- Rampur, District- Gaya, presently posted as Head Master, Middle School, Dhanguard, P.S.- Barachatti, District- Gaya.
2. Akhilesh Kumar Pathak Son of Late Madheshwar Pathak Resident of Mohalla- Murli Hill, Bairagi, P.S.- Kotwali, District- Gaya presently posted as Head Master at Middle School, Rupan Bihga, Tekari, District- Gaya.
3. Raj Kumar Prasad Son of Vidya Shankar Prasad Resident of Mohalla- Hanuman Nagar, Mustafabad, P.S. Rampur, District- Gaya presently posted as Head Master, Middle School, Ram Bigha Tekari, District- Gaya.
4. Kumar Rajendra Son of Devi Dayal Yadav Resident of Mohalla- Mustafabad Near River Side, P.S.- Rampur, District- Gaya presently posted as Head Master, Middle School Manjoki, Mohanpur, District- Gaya.
5. Ramesh Kumar Son of Mosafir Das Resident of Mohalla- Katari Hill Road, P.S.- Chandauti, District- Gaya presently posted as Head Master, Middle School, Chordaha, P.S.- Barachatti, District- Gaya.
6. Suresh Kumar Son of Baghpat Prasad Singh Resident of Village- Lau, P.S.- Tekari, District- Gaya presently posted as Head Master Middle School, Hatiyawa, P.S.- Khizarsarai, District- Gaya.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Regional Deputy Director of Education, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The District Education Establishment Committee, Gaya through its Chairman.
5. The District Education Officer cum Chairman of District Education Establishment Committee, Gaya.
6. The District Programme Officer (Establishment), Gaya.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 20012 of 2019)

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate

For the Respondent/s : Mr.Prabhakar Jha (Gp27)

(In Civil Writ Jurisdiction Case No. 20026 of 2019)

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate

For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

(In Civil Writ Jurisdiction Case No. 20045 of 2019)

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate

For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

(In Civil Writ Jurisdiction Case No. 20049 of 2019)

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate

For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

(In Civil Writ Jurisdiction Case No. 20198 of 2019)

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

(In Civil Writ Jurisdiction Case No. 20303 of 2019)

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

(In Civil Writ Jurisdiction Case No. 20325 of 2019)

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-10-2019 Heard learned counsel for the petitioners and learned
counsel for the respondents.

Since all these seven writ petitions involve similar
dispute, they have been heard together and are being disposed of
by this common order with the consent of the parties.

The present writ petitions have been filed for a



direction to the respondents to transfer the petitioners as per Rule 3 read with Rule 5 (kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion), Rules, 2018.

Without entering into the merit, the present writ petitions stand disposed of with a direction to the District Programme Officer (Establishment), Gaya to consider the claim of the petitioners for transfer in terms of Rule 3 read with Rule 5 (kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion), Rules, 2018 at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, all the seven writ petitions stand disposed of.

(Anil Kumar Upadhyay, J)

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