

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5097 of 2020

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1. Murari Mishra S/o Late Krishna Mishra Resident of Sneh Sadan, Bypass Road, Khatkachak Cantt. Area, P.S.- Vishnupad, Distt.- Gaya.
 2. Ram Kumar Prasad S/o Late Baldeo Mahto Resident of Village- Binda, P.S.- Barachatti, Distt.- Gaya.
 3. Naresh Kumar Sharma S/o Late Sitaram Singh Village- Chobar, P.S.- Tankuppa, Distt.- Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Onkar Kumar
For the Respondent/s : Mr.Prabhakar Jha (GP-27)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The present writ petition has been filed seeking the following reliefs:-

“That this is an application for issuance of an appropriate writ(s), order(s), direction(s) for



commanding the respondent authorities to transfer the petitioner no. 1 from Middle School, Telbigha, Block-Khizersarai, District-Gaya or Middle School, Koshdihra, Block-Nagar Prakhanda, District-Gaya or Middle School, Hario, Block-Nagar Prakhanda, District-Gaya and transfer the petitioner no. 2 from Middle School, Lahthua, Block-Mohanpur, District-Gaya to Middle School, Manjhiawan, Block-Mohanpur, District-Gaya or Middle School, Jamuhar, Block-Mohanpur, District-Gaya and transfer petitioner no. 3 from Middle School, Bumuar to Middle School, Chobar, Block-Tankuppa, District-Gaya or Middle School, Aropur, Block Tankuppa, District-Gaya any other school which is nearer to their houses as petitioners are entitled for their transfer as per Rule 5(kha) read with Rule 3 of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion) Rule, 2018.”

The learned counsel for the petitioners has submitted that the petitioners be granted liberty to approach the respondent no. 5 i.e. the District Education Officer-cum-the Chairman District Elementary Teachers Promotion Committee, Gaya by filing



appropriate representation and the respondent no. 5 may be directed to dispose of the same within a stipulated time frame as per the notification of the Education Department, Government of Bihar, Patna bearing No. 441 dated 21.03.2018.

Having regard to the short prayer made by the learned counsel for the petitioners, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioners to file representation before the respondent no. 5 regarding their aforesaid grievances within a period of four weeks from today, annexing the aforesaid resolution of the Government of Bihar dated 21.03.2018, which shall be disposed off by the respondent no. 5, within a period of eight weeks of filing of such representation by the petitioners, by a reasoned and speaking order.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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