

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24932 of 2019

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Pankaj Kumar, S/O - Vashisht Narayan Thakur, Resident of Village - Bathana, Jhapaha, P.S. - Ahiyapur, Block - Mushari, District- Muzaffarpur at present posted as Clerk, at the District Education officer Office, Sitamadhi, District- Sitamadhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Education Department, Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Sitamadhi.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 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 petitioner and the learned counsel appearing for the State.

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

“(I) For issuance of an appropriate writ in the nature of certiorari for quashing the letter no. 733 dated 29.06.2019 with respect to the petitioner issued by the respondent no. 4 whereby and whereunder the



petitioner has been directed to transfer from one office to other office under Tirhut Division. The aforesaid letter of transfer is in teeth of Rule 2019 (Recruitment Promotion & Transfer Rule, 2019) whereby the authority has to The petition filed on 19.06.2018 is listed for hearing for the first time today before the Court.

As requested by the learned counsel for the petitioner, list on 03.02.2020. ascertain cadre force (Sambarg Bal) for different office of education department and after identification of post in different cadre the transfer would be made in respective cadre in view of clause-17 of Rule, 2019, but even after quashing of letter vide Memo No. 1034 dated 29.04.2016 in CWJC No. 12450/2016 (Murari Das & Ors. vs. the State of Bihar & Ors.), no positive step has been taken regarding determination of cadre force (Sambarg Bal) and identification of post, and no further notification/letter has been issued by the State Govt. regarding transfer of the petitioner after quashing of Memo No. 1034 dated 29.04.2016.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the respondent authorities to take appropriate step in view of clause-& of Recruitment Promotion & Transfer Rule, 2019 and after identification of the post/cadre, step for transfer may be taken in view of clause-17 of Recruitment Promotion & Transfer Rule, 2019 so that the petitioners could be benefited of said Rule which has come into force after repeal of



Recruitment Promotion & Transfer Rule, 1974.”

At the outset, the learned counsel for the petitioner submits that the petitioner be granted liberty to approach the respondent no. 3 for redressal of his grievances, as aforesaid, and the respondent no. 3 be directed to take a final decision within a stipulated time frame.

Having regard to the limited prayer made by the learned counsel for the petitioner, I deem it fit and proper to dispose off the present petition with liberty to the petitioner to file appropriate representation before the respondent no. 3 i.e. the Director, Secondary Education, Education Department, Government of Bihar, Patna, within a period of four weeks from today and in case such a representation is filed, the same shall be disposed off within a period of four weeks of filing of such representation.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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