

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 22515 of 2019**

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Pramod Kumar, Son of Bankey Bihari Prasad, resident of Village- Akbarpur,  
P.O.- Asthawan, P.S.- Asthawan, District- Nalanda. At present Posted as  
Mathematics Teacher in High School Benar, P.S. Sare, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education, Bihar, Patna.
2. The Director, Secondary Education Bihar, Patna.
3. The District Magistrate, Nalanda Bihar Sharif.
4. The District Education Officer Nalanda Bihar Sharif.
5. The District Programme Officer Establishment (Education) Nalanda, Bihar Sharif.
6. The Chairman, Zila Parishad Cum Zila Parishad Secondary and Higher Secondary Teachers Appointment Committee Nalanda, Bihar Sharif.
7. The Deputy Development Commissioner Cum Member Secretary, Chief Executive Officer, Zila Parishad Nalanda, Bihar Sharif.
8. Sri Kumar Vishwajeet Navratna Son of Not Known at present posted as Mathematics Teacher High School Mahmadpur, P.S. Asthawan, District Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr Bharat Lal, Advocate  
For the Respondent/s : Mr Madhaw Prasad Yadaw, GP XXIII

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      22-06-2020**                      As of now, the Courts have not resumed normal physical hearing. The matter, therefore, has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.



Heard learned counsel for the petitioner and the respondent-State.

The grievance raised by the petitioner is that the petitioner was entitled to priority in posting at High School, Mahmadpur under Asthawan Police Station in the district of Nalanda. Ignoring his inter se priority over Respondent No 8, the transfer has been made in favour of respondent No 8 to the said School. The petitioner's claim in this regard is based on Rule 10 of the Zila Parishad Secondary and Higher Secondary Teachers (Appointment and Service Conditions) Rules, 2006 (for brevity, *2006 Rules*). Specific claim has been made before Respondent No 6 by Annexure 6. From perusal of Annexure 6, it appears that the request has been sent by registered post on 29.10.2019.

Since the petitioner's claim for transfer under the 2006 Rules is yet to be considered by respondent No 6, there is no occasion for this Court to pass any order in this respect.

Respondent No 6 would be obliged to consider the petitioner's request, after hearing the parties likely to be effected by the petitioner's request, in accordance with law.

Let Respondent No 6 take a final decision on the petitioner's claim within three months from the date of



receipt/production of a copy of this order.

Writ petition stands disposed of.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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