

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8308 of 2021

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1. Md. Monazir Ahmed Son of Md. Ulfat Hussain Resident of Village - Shamaspur, Police Station - Belaganj in the district of Gaya
 2. Abdus Samad Arzoo Son of Md. Siddique, Resident of Village - Rupin, Police Station - Fatehpur in the District of Gaya
 3. Md. Akramool Haque Son of Wali Mohammad Resident of Village Jharna Saran, Police Station - Nimchak Bathani 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 Programme Officer (Estb.), Gaya
7. The Block Education Officer, Tekari in the District of Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Respondent/s : Mr.Amit Bhushan, AC to GP 17

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 04-05-2021

Heard learned counsel for the petitioners and learned counsel for the respondents through video conference. Learned counsel for the petitioners has filed an undertaking that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay



immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioners--

(i) To direct the respondents to consider the case of the petitioners for their transfer as per Rule 3 read with Rule 5(kha) of Bihar Nationalized Elementary teacher Transfer (Disciplinary action and promotion) Rule, 2018 (hereinafter referred in short Rule, 2018) as per the option of transfer granted to the teachers.

(ii) Also to direct the respondents to transfer the petitioners as per their option given by them in pursuance to Rule-3 read with Rule 5 (kha) of the Rule, 2018.

(iii) Also for any other relief/reliefs for which the petitioners are found to be entitled in the eye of law."

3. It is submitted on behalf of the petitioners that despite having exercised their option for transfer (Annexure 3 series) in view of Rule 5(kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion) Rules, 2018, their requests have not yet been acceded to. Learned counsel for the petitioners relies on an order of this Court dated 30.08.2019 passed in *CWJC No. 17570 of 2019 (Shashikant Kumar and*



others Vs. The State of Bihar and others) and other analogous cases (Annexure-4).

4. Learned counsel for the State appears and has been heard.

5. Having regard to the nature of the grievance of the petitioners, the writ petition is disposed of, granting liberty to the petitioners to file appropriate representations afresh before the District Programme Officer (Estb) (respondent No. 6) within a period of four weeks from today. If any such representation is filed, the same shall be considered and disposed of in accordance with law after grant of an opportunity of hearing to the petitioners, within a further period of eight weeks thereafter. To facilitate disposal, the petitioners shall furnish their mobile numbers and email IDs to the respondent no. 6 within a week from today.

6. It is made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and the petitioners shall be at liberty to request for hearing through video conference.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the stipulated time provided in para 1



hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	--
Uploading Date	07.05.2021
Transmission Date	--

