

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10235 of 2021

1. Ramesh Chandra Raman Son of Late Sahadev Prasad Yadav Resident of Mohalla- Ram Nagag K.P. Market Road, Ward no. 11, P.s.- Marga, District- Purnia
2. Mangal Poddar Son of Late Gango Poddar Resident of Mohalla- Dholi Bazar, P.s.- Sakara, District- Muzaffarpur
3. Shiv Narayan Kumar Suman son of Late Manthi Yadav Resident of village- Ganpatganj, P.s.- Raghopur, District- Supaul
4. Ashok Kumar Jha Son of Late Baliram Jha Resident of village- Bhaluaha, P.s.- Sonbarsa, District- Sitamarhi
5. Ajay Kumar Anuj Son of Late Ram Avtar Prasad Yadav resident of Mohalla- Ward no. 21, Bhirukhi, Madhepura, P.s.- Madhepur, District- Madhepura
6. Arvind Kumar Son of Late Munni Prasad resident of village- Kurathahia, P.s.- Bayapatti, District- Sitamarhi
7. Mahesh Paswan Son of Late Butan Paswan resident of mohalla- Rasulpur Jilani Damu Chak, P.s.- Kazi Mohammadpur, District- Muzaffarpur
8. Punam Rajeev Wife of sri Ram Pravesht Mishra Rajeev resident of village- Janipur, P.s.- Manpur, District- Sitamarhi
9. Mahesh Prasad Son of Sri Raja Ram Prasad resident of village- Keshopur, P.s.- Sakara, District- Muzaffarpur
10. Yogendra Chaudhary Son of Late Motilal Chaudhary resident of village- Varuraj, P.s.- Varuraj, District- Muzaffarpur
11. Sunil Kumar Tiwari Son of Sri Bhagawat Tiwari resident of village- Gowardhana, P.s.- Shikarpur, District- West Champaran
12. Ram Narayan Mehata Son of Late Surya Narayan Mehata resident of village- Sri Nagar, P.s.- Kritya Nand Nagar, District- Purnea
13. Santosh Kumar Son of Late Man Mohan Mandal resident of village- Belodih, P.s.- Murliganj, District- Madhepura
14. Vidya Nand Tiwari Son of Late Shukhadev Tiwari resident of village- Khairaganj, P.s.- Krityanand Nagar, District- Purnea
15. Punam Sinha Wife of Sri Kumar Nikhil, resident of Mohalla- Azad Tola, P.s.- Madhepura, District- Madhepura
16. Shiv Narayan Thakur Son of Sri Ram Shresh Thakur resident of village- Koripatti, P.s.- Basopatti, District- Madhubani
17. Md. Kamaruddin Ansari Son of Md. Muslim Ansari resident of village- Jagatapur, P.s.- Phulparas, District- Madhubani
18. Anandi Harijan Son of Late Banarasi Harijan resident of village- Baribisahar, P.s.- Barahat, District- Banka
19. Suresh Thakur Son of Late Yogendra Thakur resident of village- Siriyapur, P.s.- Basopatti, District- Madhubani
20. Ram Kumar Mishra Son of Late Parikshan Mishra resident of village-



Bhaiapatti, P.s.- Basopatti, District- Madhubani

21. Rameshwar Dwiwedi son of Late Kedar Diwedi resident of village- Tarakalawa, P.s.- Chautarawa, District- West Champaran
22. Renu Kumari Wife of Manoj Kumar resident of village and P.O.- Bhitthi Dharampur, P.s.- Pupri, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Additional Chief Secretary, Education Department, New Secretariat, Patna
3. Director (Primary Education) Education Department, New Secretariat, Patna
4. District Education Officer, Madhepura
5. District Programme Officer (Establishment) Madhepura, Education Department,
6. District Education Officer, Madhubani
7. District Education Officer, Banka
8. District Education Officer, Jamui
9. District Education Officer, Darbhanga
10. District Education Officer, Supaul
11. District Education Officer, Purnia
12. District Education Officer, Katihar
13. District Education Officer, Saharsa
14. District Education Officer, Araria
15. District Education Officer, Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pratap Sharma
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 23-02-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioners have prayed for following reliefs:

“ That this writ petition is being



filed for issuance of an appropriate writ/writs, order/orders, direction/directions for quashing the memo No. 297 dated 01.04.2021 whereby and whereunder the petitioners have been transferred by violating the statutory provisions as well as order passed by this Hon'ble Court in CWJC No. 11160/2016 and for other necessary relief/reliefs on the basis of facts and circumstances of the case.”

3. On 02.02.2012 following order was passed:

“This matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

Relist this matter as and when physical hearing is restored.”

4. Supplementary counter affidavit has been filed on 01.02.2022 on behalf of Respondent No. 3. Para 5 of supplementary counter affidavit reads as under:

“5. That in the present context it is most respectfully submitted that from a bare reading of the Rule 1(c) of paragraph 153 of Bihar Education Code, it would be manifest that the impugned order dated 01.04.2021 (Annexure-4) appears to be not in conformity with the aforesaid provision i.e. Rule 1(c) of paragraph 153 Bihar Education Code.

But then it would be equally appropriate to submit that the aforesaid impugned order dated 01.04.2021 had not been passed in usual/routine manner rather it had been issued in furtherance to the order dated 11.09.2019 passed by this Hon'ble Court in CWJC No. 14500/2019 but such facts appears to have been deliberately suppressed by the petitioners



in the present writ petition.”

5. In the light of these facts and circumstances, the impugned order of transfer dated 01.04.2021 stands set aside. The present petition stands allowed.

6. Consequently, I.A. No. 1 of 2021 do not survive for consideration.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

