

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9235 of 2020

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Md. Marghoob Alam Ansari Son of Md. Neyamat Ansari Resident of Mohalla- Imli Tar, Gewal Bigha, Post Office- Shahmir Takya, Police Station- Rampur, District- Gaya. At present posted and working as an Assistant Teacher in Govt. Primary School Panchayati Akhara, Block- Nagar Nigam (North), District- Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 07-03-2022 Heard the parties.

Learned counsel for the petitioner submits that the petitioner has represented to the authorities to transfer him to the Secondary School, Gaya as he is fetching hardship and difficulty in the present place of posting.



Learned counsel submits that the respondents are obliged to take a decision on the representation and this Court ought to direct the respondents to transfer the petitioner and post him in Gaya Middle school, Gaya.

One of the administrative action solely available with the concerned administrative authorities. It may be passed on account of administrative exigency or also on the reasons on a particular individual. Transfer may also be done in certain cases where an individual is required to stay away from interfering sometime on account of departmental enquiry or otherwise.

Be that as it may, this Court is of affirm view that power of transfer would be in exclusive domain of the State Authorities and it is not for this Court to interfere in the administrative functioning of the State. No right exists in favour of any Government servant to be posted at a particular place or to be taken for being posting at a particular place. A writ of mandamus cannot be, therefore, issued for such purpose.



The writ petition is mis-conceived and
frivolous and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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