

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16190 of 2021**

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Surendra Kumar Singh, S/o Damodar Nath Singh, Resident of Village-Shyam Chak Gudari (Ward No. 02), P.O.-Chapra, P.S.-Bhagwan Bazar, District-Saran, Pin-841301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Saran at Chapra.
4. The District Magistrate, Saran at Chapra.
5. The Regional Deputy Director of Education, Saran Division at Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer (Establishment), Saran at Chapra.

... .. Respondent/s

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**Appearance :**

|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr. Shashi Shekhar Tiwary, Advocate  |
| For the Respondent/s | : | Ms. Shilpa Singh ( Ga12 )            |
|                      |   | Mr. Ram Binay Prasad Singh, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 28-01-2022**

Heard Mr. Shashi Shekhar Tiwary, learned  
Advocate for the petitioner and Mr. Ram Binay Prasad  
Singh for the State.

The petitioner, a middle school teacher seeks his transfer from a middle school located in Mashrakh to Gandhi Middle School, Daulatganj, Saran at Chapra under a very difficult circumstance viz. his wife suffering from cancer.



The learned counsel for the petitioner has submitted that there is no embargo on such transfer and when such a request was made before the concerned authorities, he was asked to make such request in requisite proforma which he has done long time back. No action has been taken on the aforesaid request notwithstanding several representations having been filed at his end before respondent no. 6 who is to take a decision regarding the request of the petitioner.

Under the aforesaid circumstances, this Court directs the respondent no. 6 to dispose of the representation of the petitioner and in case it is found that such request could be acceded to, necessary sequel order also shall be passed.

This Court makes it very clear that it has not expressed any opinion with respect to the correctness of the claim of the petitioner or that such a transfer could be made under the rules.



The decision shall be taken by the District Education Officer, Saran at Chapra (respondent no. 6) in accordance with the rules in that regard.

The necessary order either acceding to the request of the petitioner or intimating him about the inability of the respondent to accede to his request, shall be passed within a period of eight weeks from the date of receipt/production of a copy of this order.

With the aforesaid direction/observation, the writ petition is disposed of.

**(Ashutosh Kumar, J)**

krishna/-

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| AFR/NAFR          | NAFR       |
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