

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.346 of 2019

In
Civil Writ Jurisdiction Case No.15586 of 2019

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The Mukhiya, Gram Panchayat Raj Gauspur Sarsauna Block- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. Ashok Kumar, S/o Late Dhaneshwar Singh, resident of Village- Fatehpurwala, P.s.- Musarigharari, District- Samastipur.
2. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Magistrate, Samastipur, District- Samastipur.
6. The District Education Officer, Samastipur, District- Samastipur.
7. The District Programme Officer (Establishment) Education, Samastipur.
8. The Block Development Officer, Block- Tajpur, District Samastipur.
9. The Block Education Officer, Block- Tajpur, District Samastipur.
10. The Panchayat Secretary, Gram Panchayat Raj, Gauspur Sarsauna, Block- Tajpur, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Jainandra Kumar, Adv.
For the State	:	Mr. Priyadarshi Matri Sharan, AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 09-09-2022

1. Heard the parties through Video Conferencing.

2. Learned counsel for the review petitioner submits that he was not heard before passing of the order 01.08.2019. It is further stated that there were allegations of lapses against the petitioner and he had been transferred on account of the same. The court, therefore, ought not to have been interfered with the transfer order and prays to review of the order passed by the court order dated 01.08.2019.

3. I have considered the submission, perused the order dated 01.08.2019 passed by this court, find that the Government counsel GP-20, appeared for the respondents in the case, and therefore, it cannot be said that the State Government or its authorities were not represented before the court.

4. This court also notices that the allegation of lapses against the petitioner were also noticed by this Court and the High Court has quashed the transfer order on the ground of illegality committed thereto in transferring the petitioner at the behest of the Block Development Officer, who could not be said to have jurisdiction in matter of transfer of teachers in the Primary Panchayat Schools.

5. The court also notices that the order and provisions mentioned in the order directed transfers only in cases where teachers were to be adjusted to maintain teacher student ratio. Thus, it cannot be said that the contentions being set up in the review petition were not examined.

6. The review petition, therefore, is found to be misconceived and accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/
Sachin
Item No. 11

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