

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2719 of 2023

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Shri Ram Prasad Son of Saudagar Prasad Village- Bariarpur Pandey, P.S. Khampaar, District- Deoriya (Uttarpradesh) 274702, presently, residing at North Hajipur Kutchery Road, P.S.- Chitragupta Nagar, District- Khagariya (Bihar) Bihar- 847104.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Additional Chief Secretary cum Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Director, Secondary Education, Bihar, Patna.
4. Regional Deputy Director Education Munger Division, Munger.
5. District Education Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc-16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2023 The petitioner has filed the present writ application for a direction to the respondents to consider the posting of the petitioner on the vacant post of Assistant Teacher (Social Sciences) in J.N.K.T. Inter School Khagaria for which a recommendation has been made by the D.E.O., Khagaria.

2. Learned counsel for the petitioner submits that the petitioner is posted as Teacher in Nationalised High School Saidpur, Mansi Khagaria, since 1992. On 30.09.2016, some anti social elements armed with fire arms entered into the premises of the School and threatened, assaulted and abused the petitioner



and other teachers of the school for which Mansi P.S. Case No. 186 of 2016 was lodged by the petitioner. In view of the security threats, the petitioner moved an application before the authority for his transfer to some other school in Khagaria district itself on the vacant sanctioned post of Assistant Teacher in the Social Sciences. The request of the petitioner for transfer was considered by the District Education Officer who duly recommended the transfer of the petitioner as a Social Science Teacher in J.N.K.T. School Khagaria. The petitioner has also filed a representation before Director Secondary Education who forwarded the application of the petitioner on 14.02.2020 for his transfer and ordered the Regional Deputy Director Education Munger to take necessary action for the posting and transfer of the petitioner to J.N.K.T. School Khagaria vide his memo no. 1803 dated 01.08.2022 (Annexure-7). The RDD vide letter no. 1508 dated 23.11.2022 sought a report from the District Education Officer Khagaria with the vacancy position of teachers in the subject of Social Science in J.N.K.T. School Khagaria and in compliance thereof the District Education Officer, vide letter no. 2666 dated 24.11.2022, informed the Regional Deputy Director Education, Khagaria that the sanctioned post of teacher in the subject of Social Science is



vacant from 30.11.2022 due to superannuation of one teacher Mr. Anil Kumar Rai. He also recommended for transfer of the petitioner on the said vacant post. Learned counsel further submits that the matter is still pending before the Regional Deputy Director, Munger i.e. respondent no. 4

3. Mr. Subhash Chandra Mishra (Sc-16) learned counsel for the respondent submits that Regional Deputy Director Education, Khagaria may be directed to dispose representation of the petitioner in accordance with law.

4. Regards being had to submission and taking into consideration the nature of dispute, the Regional Deputy Director Education, Khagaria is directed to take a final decision upon the request of the petitioner for transfer from Mansi School to J.N.K.T. School Khagaria, within a period of four weeks' from the date of receipt/ production of a copy of this order.

(Anil Kumar Sinha, J)

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