

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10580 of 2023

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Surendra Kumar Shawarn Son of Vijay Narayan Sharma, Resident of Manik
Kunwar Niwas, Sati Asthan, P.O and P.S-Masaurhi, District-Patna.

... .. **Petitioner**

Versus

1. The State of Bihar.
2. The Addl. Chief Secretary, Human Resource Development Department,
Govt. of Bihar, Patna.
3. The Director, Secondary Education, Human Resource Development
Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director, Patna Region, Patna.
5. The District Education Officer, Patna District-Patna.
6. The District Programme Officer (Establishment), Patna, District-Patna.
7. The Incharge, Headmaster, Girja Kunwar High Secondary School, Masaurhi,
District-Patna.

... .. **Respondents**

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Appearance :

For the Petitioner/s	:	Mr.Tej Bahadur Singh, Sr. Advocate Mr. Brisketu Sharan Pandey, Advocate Mr.Abhishek Kumar, Advocate Mr.Madan Kumar, Advocate
For the Respondent/s	:	Mr.Jai Prabhat Kishore, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-08-2023 Heard Mr. Tej Bahadur Singh, learned senior counsel

assisted by Mr. Brisketu Sharan Pandey, learned Advocate for

the petitioner and MR. Jai Prabhat Kishore, learned AC to SC-

13 for the State.

2. Petitioner, in the present case, is aggrieved by and

dissatisfied with the office order dated 04.07.2023 (Annexure

'P/3') bearing Memo No. 840 issued by the respondent no. 4

whereby and whereunder he has been transferred from Smt.

Girja Kunwar Higher Secondary School, Masaurhi, Patna to



D.B.R.K. Jalan High School, Patna City, Patna.

3. Petitioner is further aggrieved by the letter dated 12.06.2023 and 30.06.2023 as contained in Annexure 'P/1' and 'P/2' respectively.

4. Learned senior counsel for the petitioner submits that from perusal of the report dated 10.05.2023 (Annexure 'P/4') in the matter of the complaints received against the petitioner and also against one Md. Harun who was appointed as Assistant Teacher in 1994 and was made Incharge Headmaster in the year 2017 in the Masaurhi School, it would appear that the said committee recommended for either to transfer the petitioner and Md. Harun both to different schools or to post a regular headmaster in place of Md. Harun.

5. Learned senior counsel for the petitioner submits that while the petitioner has been transferred to a school at Patna City, Md. Harun has taken a voluntary transfer to another school. It is submitted on the strength of Rule 2 of the Bihar Nationalized Secondary School (Service Condition), Rules, 1983 that the Headmaster, Assistant Teacher and the post of non-teaching staffs in Nationalized Secondary School are non-transferable subject to some exceptions in the given circumstances. Learned counsel submits that his transfer to



another school is in the teeth of the rules governing the service conditions of the petitioner. It is further pointed out that till date no regular headmaster has been appointed in the school.

6. On the other hand, learned counsel for the State submits that the petitioner may point out this fact to the competent authority who has issued the order of transfer. It is submitted that from the averments made in the writ application at least it would not appear that the petitioner has pointed out the relevant rule to the competent authority. He has not submitted any representation against his transfer on the ground which is being pleaded before this Court.

7. Having regard to the aforementioned submissions, this Court is of the considered opinion that in case the petitioner is advised to submit that his transfer is against the rule, let it be brought to the notice of the competent authority by filing an appropriate representation within a period of one week from today. On such representation being filed, the competent authority shall consider the same keeping in view the rules governing the service condition of the petitioner and the policy of the government in the matter of transfer of the teachers of the nationalized schools and take an appropriate decision thereon within another period of one week.



8. This Court has been informed that the petitioner has yet not joined at the transferred place. In such circumstance, the order of transfer shall be kept in abeyance for two weeks within which the aforementioned exercise has to be completed.

9. This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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