

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13315 of 2022

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Kumari Bandana W/o Sri Gautam Kumar Thakur, Resident of the House No.- 230, Road No.- 1, Mohalla- Patliputra Colony, P.S.- Patliputra, District- Patna- 800013 at present working as Prakhand Teacher (Niyojit) and also as Divyang Lady Teacher at Middle School-cum- Upgraded (Plus 2) School, Hardas Bigaha, Prakhand- Khushrupur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, New Secretariat, Jawaharlal Nehru Path, Bihar, Patna.
2. The Director, Primary Education, Department of Education, New Secretariat, Jawaharlal Nehru Path, Bihar, Patna.
3. The State Commissioner, Disability (Divyang Jan) Old Secretariat, Irrigation Building Compound, Bihar, Patna.
4. The Regional Deputy Director of Education (R.D.D.E.), Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer (Establishment), Patna Office of the District Education Officer, Patna.
7. The Block Education Extension Officer, Prakhand- Khushrupur, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Kalika Nand Jha, Advocate
For the Respondent/s : Mr. Jitendra Kr. Roy 1, SC-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 08-09-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner in this case is looking for consideration of her case for transfer from her present posting of Khushrupur Block to Patna Sadar Block within her home district. It is the case of the petitioner that she has been appointed as Panchayat Teacher (Niyojit) at Middle School, Hardas Bigaha, Prakhand-Khushrupur, District-Patna and she is



working there since her joining in February, 2014.

3. The petitioner claims that she is having a locomotor disability and has a certificate to that extent which would be evident from Annexure '1 Series'. It is submitted that due to the disability in her right hand, she is facing trouble in discharging her duties in the school at Khushrupur for which she has to travel from Patna.

4. Learned counsel for the petitioner submits that under the Bihar Panchayat Primary School Service Rules, 2020 (hereinafter refer to as the 'Service Rules of 2020'), under Rule 15(iv), there is a provision under which one time option of transfer would be available to a disabled Teacher and a lady Teacher. It is submitted that even though the petitioner has made a representation for consideration of her case for transfer from Khushrupur to Patna Sadar, the same is not being considered. In this connection, she has filed an application dated 12.04.2022 before the Director, Primary Education, Bihar, Patna for posting her on deputation/transfer basis at Patna to any school which is nearer to her home under Sadar Prakhand, Patna.

5. Learned counsel for the State submits that if the petitioner has made a representation, the Director, Primary Education may be directed to consider the same and take



appropriate view of the matter.

6. Having regard to the submissions noted hereinabove, this Court directs the Director, Primary Education, Department of Education, Government of Bihar (respondent no. 2) to consider the representation of the petitioner as contained in Annexure '7' to the writ application within a period of two months from the date of receipt/production of a copy of this order and take an appropriate view keeping in view the relevant provision of the Service Rules of 2020 and the submissions of the petitioner.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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