

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11575 of 2023

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Raman Kumar S/o Late Shreshtha Narayan Thakur Resident of Mohalla-
Commercial Chowk, Bengali Tola, Laheriasarai, Balbhadrapur, P.S.-
Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Patna.
2. The Director (Secondary Education), Bihar, Office of Bihar Secondary Education, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
4. The District Education Officer, Darbhanga.
5. The District Education Officer, Madhubani.
6. The District Education Officer, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP- 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-09-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. Petitioner, even as per averments made in the writ
petition was appointed on compassionate grounds in the year
2014. It is admitted position that he was in Darbhanga division
for much more than three years. Thereafter, it is apparent that
the issue was raised by others, aggrieved by his continuance on
a post, as against requirement of transfer after three years. He
was, thus transferred to the Office of District Education Officer,



Samastipur on 15-05-2023. He filed a representation, whereafter the transfer, as per his request, was modified, posting him in Madhubani, instead of Samstipur. The petitioner, thereafter gave his joining at Madhubani on 07-06-2023. It is thereafter the petitioner's case that on account of some medical urgency of his wife's illness, he left for Delhi and took leave from 20-06-2023 for which he sought extension to 27-06-2023. While he was on leave, a fresh order has been issued bearing Memo No. 730 dated 24-06-2023, as contained in Annexure- P/7 to the writ petition, by which the petitioner is aggrieved. By the aforesaid order, his earlier posting at Madhubani has been modified.

3. It is submitted that it is within a month of the order and also at the instance of some local Member of Legislative Assembly (for brevity M.L.A.) and his Personal Secretary, who would be having no role to play in the issue.

4. This Court finds that the impugned order is a sequel to the earlier order, whereby he was posted at Madhubani on his request. If the Authorities for some reason has found that instead of Madhubani his utility is more in Samastipur, the same just because it has come within a month of earlier order, per se cannot be held to be unsustainable.

5. The fact that petitioner has alleged that it was at the



instance of some MLA, or his Personal Secretary is an issue, the Court would refrain from going into for the reason that those persons are not added as respondent in the instant writ petition.

6. The Court, therefore is not inclined to invoke its extraordinary discretionary jurisdiction under Article 226 of the Constitution of India to interfere with the petitioner's transfer, inter-district.

7. Mr. Chaudhary, learned counsel for the petitioner submits that at least the Authorities are required to consider the petitioner's representation dated 29-06-2023, Annexure- P/8.

8. Without expressing any opinion on the merits of the petitioner's claim in the representation, this Court would afford opportunity to the petitioner pursue the same before the Authorities in accordance with law.

9. Writ petition is dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

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