

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14964 of 2023

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Bimlesh Kumar Son of Late Madheshwar Sharma Resident of Village-Sarbahda, Police Station-Konch in the District of Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The principal Secreary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer, Gaya.
6. The District Programe Officer (Estb.), Gaya.
7. The Block Education Officer, Konch in the District of Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha (GP 27)
	:	Mr. Umesh Narayan Dubey, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 30-11-2023

1. Heard learned counsel for the parties concerned.
2. The petitioner was appointed as Assistant Teacher in Middle School, Maigra under Dumariya Block in the district of Gaya. Subsequently, he was promoted to the post of Headmaster and it appears that he is working as Headmaster, Sindhuari under Konch Block, District-Gaya. Ultimately, Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion) Rule, 2018 (hereinafter referred to as “the Rule, 2018”) has been framed under Article 309 of the Constitution of



India. As per Rule 3 read with Rule 5 (kha) of the Rule, 2018, transfer to the teachers of his category have been provided giving them the option to opt for opportunity of choice transfer twice in the entire service period.

3. Learned counsel for the petitioner submits that the petitioner has exercised his option as per the aforesaid rules on 14.06.2023 but despite the same, the respondent- authorities especially the District Education Officer, Gaya has not taken any step to transfer the petition in any of three Schools, as mentioned by the petitioner in his representation.

4. *Per contra*, learned counsel for the respondents submits that the representation/ option of the petitioner was recommended by the Block Education Officer, Konch, Gaya.

5. Having heard the learned counsel for the parties and taking into account the fact that request for transfer of the petitioner as per Rule is pending before the respondent- authorities, I direct the respondent no. 5 / District Education Officer, Gaya to forward the application / representation of the petitioner for his request transfer to the Establishment Committee within a period of fifteen days from the date of receipt/ production of a copy of this order and the Establishment Committee is further directed to take a final decision upon the



request of the petitioner in accordance with law, within a maximum period of one month from the date of receipt of a copy of representation / request of the petitioner from the office of District Education Officer, Gaya.

6. With the aforesaid observation and direction this writ application is disposed off.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

