

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15247 of 2023

1. The Navodaya Vidyalaya Samiti (NVS) through the Commissioner, Navodaya Vidyalaya Samiti, Department of School Education and Literacy, Ministry of Education, Government of India, B-15, Institutional Area, Sector-62, Noida, District-Gautam Budh Nagar-201309 (U.P.)
2. The Deputy Commissioner (Personnel) Navodaya Vidyalaya Samiti, (Headquarter), B-15, Institutional Area, Sector-62, Noida, District-Gautam Budh Nagar-201309 (U.P.)
3. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Department of School Education and Literacy, Ministry of Education, Government of India, regional office Karpuri Thakur Sadan, Kendriya Karyalay Parisar, Block-A and B, 5th Floor, Ashiyana Digha Road, Patna-800025 (Bihar).
4. Sri R.K. Singh, Principal, Jawahar Navodaya Vidyalaya, Baroon, District-Aurangabad-824112 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary of Ministry of Resources Department of Education, Government of India, New Delhi-110001.
2. Rakesh Bahadur Singh, son of Sri Lalan Singh, Post Graduate (Chemistry) Teacher, Jawahar Navodaya Vidyalaya Baroon, District-Aurangabad (Bihar), Resident of Company Sarai, Kali Sthan, District-Sasaram-821115 (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr.K.N.Singh, ASG Mr.Siddhartha Prasad, Advocate Mr.Sunit Kumar, Advocate
For the Respondent No.1	:	Mr.Anshuman Singh, CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 01-11-2023 In the instant petition, petitioner - Navodaya Vidyalaya Samiti (for short 'NVS') and others assailed the interim order dated 05.09.2023 passed in Original Application NO. 050/00530/2023, by the Central Administrative Tribunal,



Patna Bench, Patna.

2. Respondent No. 2 – Rakesh Bahadur Singh has been transferred from Aurangabad to Birbhum (West Bengal). The Tribunal granted interim order. Hence, the present petition.

3. Learned counsel for the petitioner submitted that the Tribunal failed to apprise that the Deputy Commissioner has been delegated the power of transfer on behalf of the Commissioner. Therefore, the same has not been appreciated by the Tribunal. On the other hand, we have perused the such contention in the written statement filed in the Original Application and it is subsequent to the grant of interim order on 05.09.2023. It is also reliably learnt that Original Application is stated to have been listed for final disposal on 29.11.2023.

4. In the meanwhile, 2nd Respondent - Rakesh Bahadur Singh is stated to have been relieved. However, he has obtained interim order and the same is not being implemented by the petitioner. Consequently, contempt of Tribunal petition is stated to have filed and it is pending consideration. It is to be noted that ordinarily Courts and Tribunal do not interfere with the transfer of employee/officer, since employer is the best person to assess in respect of posting. However, Courts would interfere if there is any violation of statutory provision or



transfer order issued by an incompetent authority.

5. Taking note of these facts and circumstances the petitioners are hereby directed to take back the 2nd Respondent and continue his services at Aurangabad till disposal of Original Application in order to avoid administrative chaos. The Tribunal is requested to make all necessary endeavor to see that Original Application is decided on fixed date.

6. With the above observation writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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