

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5488 of 2024

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Basant Kumar Singh, aged about 60 years, Male, Son of Surendra Narayan Singh, Resident of NE.025-0036, Navneet Nagar, Satsang Mandir, P.S.-Katihar, District-Katihar, At present posted as Headmaster, Marwari Pathshala, Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Education Department, Govt. of Bihar, Patna.
4. The District Education Officer, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Singh, Advocate Mr. Dhananjay Kumar Tiwary, Advocate
For the State	:	Mr. Government Advocate 02 Mr. Akhileshwar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 25-09-2024

Heard learned counsel for the parties.

2. The petitioner has put to challenge the order dated 01.03.2024 issued by the respondent no.2 – the Director, Secondary Education, Education Department, Government of Bihar, Patna, whereby the petitioner, who is a Principal of the school, has been transferred from Marwari Pathshala, Katihar to Sri Jhakshu Narayan Choudhary Higher Secondary School, Semapur.



3. The petitioner contends that he is due to retire in the month of December, 2024 on attaining the age of superannuation. It is the case of the petitioner that as per the Transfer and Posting Policy and Guidelines (hereinafter referred to as 'the Guidelines') issued by the Government of Bihar dated 17.03.2017, in the last year of retirement of an employee, transfer/posting of the officer/employee to a place of his/her choice can be considered sympathetically.

4. Having regard to the above, the petitioner has submitted a representation dated 04.03.2024 to the respondent no.2 – the Director, Secondary Education, Education Department, Government of Bihar, Patna expressing his choice of posting and therefore to be retained at Marwari Pathshala, Katihar. The petitioner also stated in the said representation about the illness of himself and his wife. The said representation, according to the writ petitioner, has, however, not been considered by the respondent authorities.

5. The State has contested the case by filing a counter affidavit by the respondent nos. 1, 2 and 3, wherein in paragraph no. 11, thereof, by referring to the Guidelines



for transfer/posting of an employee dated 08.10.2014, it is stated that for transfer and posting of an employee it is not mandatory to follow the guidelines set out in the Guidelines but such a guidelines prescribed in the Guidelines is only directory.

6. Upon hearing learned counsel for the parties and on perusal of the materials placed on record, it appears that the petitioner and the State are referring to two different sets of Guidelines for transfer and posting of an employee of the Government of Bihar.

7. The petitioner is stated to have joined his new place of posting.

8. Under the circumstances, I am of the considered view that ends of justice, in the instant case, would be met, if this writ petition is disposed off with a direction to the respondent no.2 – the Director, Secondary Education, Education Department, Government of Bihar, Patna to consider and dispose off the representation dated 04.03.2024 submitted by the petitioner in the light of the extant Guidelines for transfer and posting of an employee and pass a reasoned and speaking order on the



representation submitted by the petitioner within a period of two weeks from the date of receipt of this order.

9. The writ petition is disposed off with the above directions.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.09.2024
Transmission Date	N/A

