

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5911 of 2024

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Pramila Kumari Wife of Vivekanand Sharma, Resident of Mohalla - Satsang Nagar, Road No. 1, Gali No.2, Satsang Nagar, P.S. - Jehanabad, District - Jehanabad. At present working as Headmistress, Murlidhar Inter School, Jehanabad.

... .. 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 Regional Deputy Director, Education, Magadh Division, Gaya.
5. The District Education Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Government Pleader 5

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 31-07-2024

Heard learned counsel for the parties.

2. This writ petition has been filed by the petitioner challenging the order of transfer dated 01.03.2024, issued by the Director, Secondary Education, Education Department, Government of Bihar, Patna, vide Memo No. 626 (Annexure – P/5), whereby, the petitioner, who is working as Headmistress at Murlidhar Inter School, Jehanabad has been transferred to Ram Krishna High School, Pandui, (wrongly typed as Mandayi in the writ petition as well as in the transfer order), Jehanabad.



3. The petitioner contends that she is due to retire on 31.08.2024 and is suffering from spinal injury and accordingly, her prayer for retention at the Murlidhar Inter School, Jehanabad may be considered in the light of the letter of the Government of Bihar dated 08.10.2014, issued vide letter No. 01/R-28/2006-1423, Patna – 15, which, in Clause 4(iv) thereof, provides that in the last year of retirement, transfer/posting of an officer/employee to a place of his or her choice can be considered sympathetically.

4. Though, the petitioner has been transferred in a school within the Jehanabad district and as such, ordinarily, in a case of this nature, no interference could have been made by this Court, but taking into consideration of the fact that the petitioner is retiring from service on 31.08.2024 and also stated to be suffering from spinal injury, I hereby dispose of this writ petition with a direction to the petitioner to file a representation before the respondent No. 2/the Director, Secondary Education, Education Department, Govt. of Bihar, Patna within a period of three days from today. The respondent No. 2/the Director, Secondary Education, Education Department, Govt. of Bihar, Patna, on receipt of the representation submitted by the petitioner within the period stipulated hereinabove, shall consider the prayer of the



petitioner and dispose of the representation of the petitioner within a period of two weeks thereafter, in accordance with law.

5. Till the representation submitted by the petitioner, as indicated hereinabove, is considered and disposed of by the respondent no. 2, *status quo*, as on today, as regards the place of posting of the petitioner, shall be maintained.

6. It is made clear that if the petitioner does not file a representation before the respondent no. 2 within the period, indicated hereinabove, the *status quo* order passed shall stand vacated automatically, without any reference to this Court.

7. The writ petition stands disposed of.

(Nani Tagia, J)

Siddharth Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2024
Transmission Date	NA

