

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3505 of 2021

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Meena Kumari Daughter of Mahavir Prasad, wife of Arvind Kumar Rakesh
Resident of Mohalla- Near- P.N.B. Bank, Powerganj, Bageshwari Road,
Police Station- Kotwali, District- Gaya. At present posted and working as an
Assistant Teacher in Govt. Krishnakant Kanya Middle School Nagar Nigam,
Block- Nagar Nigam, District- Gaya. Petitioner.

Versus

1. The State of Bihar
 2. The Additional Chief Secretary-cum- the Principal Secretary, Education
Department, Govt. of Bihar, Patna.
 3. The Director, Primary Education, Bihar, Patna.
 4. The Regional Deputy Director of Education, Magadh Division, Gaya.
 5. The District Education Officer -cum- the Chairman, District Elementary
Teachers Promotion and Transfer Committee, Gaya.
 6. The District Education Officer, Gaya.
 7. The District Programme Officer (Establishment)-cum- the Chairman,
District Elementary Teachers Promotion and Transfer Committee, Gaya.
 8. The District Programme Officer (Establishment), Gaya.
 9. The Block Education Officer, Nagar Nigam, District- Gaya.
- Respondents.

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 06-03-2024

Heard Mr. Umesh Kumar Mishra, learned counsel for the
petitioner as well as Mr. Kameshwar Kumar (GP 17), learned
counsel appearing on behalf of the State.

2. The petitioner has moved this Court for the following
reliefs:-

*(i) For issuance of a writ for
commanding and directing the
respondents the District Teachers*



Promotion and Transfer Committee, Gaya headed by the District Education Officer-cum-the Chairman, District Elementary Teachers Promotion and Transfer Committee, Gaya and the District Programme Officer (Establishment)-cum-the Member Secretary, District Elementary Teachers Promotion and Transfer Committee, Gaya to consider the application of the petitioner and transfer the petitioner as per the options exercised by her in any one of the following schools i.e.

(a) Govt. Gurunanak Middle School Anchal-Nagar Nigam, Gaya (b) Govt. M.R. Mala Middle School, Anchal-Nagar Nigam (North), Gaya and (c) Govt. Yodharam Primary School, Anchal-Nagar Nigam (North), Gaya.

(ii) For issuance of a writ for commanding and directing the respondent authorities concerned to take the decision in favour of the petitioner by transferring her in any one of the schools for which she has exercised her options.

(iii) For issuance of a writ for commanding the respondent authorities to consider and redress



the genuine grievances of the petitioner for her transfer in any one of the schools, for which she has given her options, as petitioner has narrated all the facts and circumstances under which she is entitled to be considered for her transfer in the abovementioned schools.

(iv) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner will be found entitled in the facts and circumstances of the case.

2. The present writ application has been filed for a direction to the respondents to transfer the petitioner as per Rule 3 read with Rule 5 (Kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion), Rules, 2018 at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order.

3. The main grievance of the petitioner is that she has filed a representation before the District Programme Officer (Establishment), Gaya, on 08.12.2020 for her transfer as per Rule 3 read with Rule 5 (Kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion), Rules, 2018 but no action has been taken on her representation till date.



4. In that view of the matter, the petitioner is directed to file a fresh representation before the District Programme Officer (Establishment), Gaya within a period of one month from today. The District Programme Officer (Establishment), Gaya is directed to consider the case of the petitioner after affording opportunity of personal hearing, if necessary, and pass a reasoned and speaking order in accordance with law within one month from the date of receipt of such representation.
5. It is made clear that the District Programme Officer (Establishment), Gaya shall be solely liable for non-compliance of this order within the stipulated period.
6. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

shikha/-

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

