

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11350 of 2024

1. Md Belal Ahmad Son of Late Abdul Jalil Ahmad Resident of Mohalla-Amjad Ali Lane, Near Badi Masjid, Post Office-Barahpura, District-Bhagalpur. at Present Posted and Working as Upper Division Clerk in and 2 Govt. High School Jethaur, Block-Rajoun, District-Banka
2. Rakesh Ranjan Son of Late Kamleshwari Prasad Resident of Mohalla- Bath, Shripa, Karhariya, Police Station-Sultanganj, District-Bhagalpur. at Present Posted and Working as Upper Division Clerk in Govt. Primary Teachers Training College Nagarpara,Banka.
3. Md. Faique Son of Late Md. Kamaluddin Resident of Village-Kurudih, Near Imambara, Post Office- Baluachak, Police Station-Jagdishpur, District-Bhagalpur, at Present Posted and Working as Upper Division Clerk in the District Institute of Educational Training (DIET), Banka.
4. Prabhash Kumar Son of Late Sardari Mandal Resident of Mohalla-Ward No.06, Indumati Path, Vikramshila Nagar, Police Station-Kahalgaon, District-Bhagalpur. at Present Posted and Working as Upper Division Clerk in the Office of the Distirct Education Officer, Banka.
5. Md. Neyazul Haque Son of Late Md. Ainul Haque Resident of Village-Puraini, Kharadi Tola,Puraini, Police Station-Jagdishpur, District-Bhagalpur, at Present Posted and Working as Head Clerk in the Office of the Distirct Education Officer, Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar
2. The Additional Chief Secreary-Cum-Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
5. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
6. The District Education Officer, Bhagalpur.
7. The District Education Officer, Banka.
8. The District Programme Officer (Establishment), Bhagalpur.
9. The District Programme Officer (Establishment), Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Responder/s : Mr. Government Pleader (18)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 01-08-2024 The petitioners are employees of the clerical cadre in

the Education Department. They were posted in the office of the



District Education Officer, Bhagalpur since 2004 when they were appointed on compassionate ground. Thus, for the last 20 years, they were posted at Bhagalpur. It is also on record that the petitioners got promotion on their higher scales of pay in the clerical cadre itself. Initially, by an order passed in the year 2023, the petitioners were transferred from Bhagalpur to Banka. They joined Banka on 05th July 2024, thereafter, they submitted representations before the Director, Secondary Education for reconsideration of their order of transfer on the ground that the general rule relating to transfer as applicable in general administrations and accepted by all the administrative departments in the State of Bihar that after promotion, an employee generally cannot be transferred before completion of 03 years in his promotional post. By an order dated 24th January 2024, the Director, Secondary Education directed the Regional Deputy Director, of Bhagalpur Division to reconsider the transfer of Prabhash Kumar, Md. Belal Ahmad and Rakesh Ranjan. In view of such direction, they were again transferred from Banka to Bhagalpur by an order passed by the Regional Deputy Director, Education Department, Bhagalpur region on 03rd February 2024, transferring them from Banka to Bhagalpur. The case of Petitioner No. 05 is slightly different.



First, he was promoted from the post of clerk to the post of Head Clerk in the Education Department while he was posted at Bhagalpur, then on 29th June 2024, the above-named clerks were also transferred from Bhagalpur to Banka. It is contended on behalf of the petitioners that the initial order of transfer of the petitioners from Bhagalpur to Banka was reconsidered and changed in view of the direction made by the Director, Secondary Education Department only on 24th January 2024. Thereafter, the said clerks were again transferred after a lapse of 05 months by the Regional Deputy Director. It is contended by the learned Advocate appearing on behalf of the petitioners that the order of transfer seems to be arbitrary and unjust because it was issued only after 05 months of their transfer to Bhagalpur.

2. Further, it is submitted by the learned Advocate for the petitioners that all the petitioners submitted their representation before the Director, Secondary Education. The said representations have not been disposed of by the Director, Secondary Education as yet. However, the said representations have not been annexed with the instant writ petition. Be that as it may.

3. The instant writ petition is disposed of directing the Director, Secondary Education Department to consider the



representations of the petitioners in accordance with law, while considering the representations filed before him, the concerned Director shall consider that the petitioners are posted in one place, i.e., at Bhagalpur for last 20 years. Under such backdrop, the order of transfer of the petitioners is to be reviewed by the Director, Secondary Education Department within 45 days from the date of communication of this order.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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