

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11238 of 2023

Bidya Nand Ram Son of Raghuni Ram, Resident of Village-Dhurgaon, Ward No. 06, P.S.-Madhepura, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Madhepura, District-Madhepura.
5. The District Programme Officer (Estab.), Madhepura, District-Madhepura.
6. The Block Education Officer, Madhepura, District-Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra Mr. Dhananjay Kumar Gupta Mr. Bishnath Mahto
For the Respondent/s	:	Mr. Pramod Kumar Singh AC to SC16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

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| 2 | 09-01-2024 | <ol style="list-style-type: none">1. Heard learned counsel for the parties concerned.2. The present writ application has been filed by the petitioner for direction to the authorities regarding his transfer. The petitioner is working as Headmaster in the Utkramit Middle School, Amouna, Bishanpur, Block-Gwalpara, Madhepura.3. Learned counsel for the petitioner submits that a rule called the Bihar Nationalized Preliminary Elementary |
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School Teachers Transfer, Disciplinary Action and Promotion Rules, 2018, has been framed vide Bihar Gazette (Extraordinary) notification no. 7/Vividh-45/2017-441, dated 21.03.2018 and as per the Rule 5 (kh), the option for transfer, twice in the entire service period, has been provided to the teachers. The petitioner has earlier exercised his first option for transfer as per the aforesaid Rules and was transferred according to the option exercised by him.

4. The petitioner, in order to exercise his second option, has submitted a representation before the District Programme Officer, Madhepura, vide Annexure-4, in prescribed format for his transfer from Utkramit Middle School, Amouna, Bishanpur, Block-Gwalpara, Madhepura to (i) Middle School, Singheshwar, Madhepura (ii) Abhyas Middle School, Madhepura and (iii) Kanya Middle School, Parariya, Madhepura. The petitioner has mentioned three schools as option, out of which he may be transferred to any one of the schools.
5. Learned counsel next submits that the representation (option exercised by the petitioner for transfer) is pending before the District Programme Officer, Madhepura and he



has not forwarded the representation before the District Education Officer (Establishment), Madhepura.

6. Learned counsel for the State submits that District Education Officer (Establishment), Madhepura, may be directed to dispose the representation (option exercised by the petitioner for transfer) within a reasonable time frame.
7. Regards being had to the submission made by the parties and taking into consideration the fact that the representation (option exercised by the petitioner for transfer) as per the aforesaid Rules is pending for the last six months, accordingly, I direct the District Programme Officer, Madhepura, to forward the representation/option exercised by the petitioner for transfer before the District Education Officer (Establishment), Madhepura within a period of 15 days from the date of receipt/production of the copy of this order.
8. The District Education Officer (Establishment), Madhepura, in turn, is directed to dispose the representation/option exercised by the petitioner for transfer within a further period of one month from the date of receipt/production of the representation from the Office of the District Programme Officer, Madhepura.



9. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

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