

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13828 of 2024

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Chandan Kumar Sah S/o- Shiv Shankar Sah R/o- Village- Rampur Raut, P.S.
and P.O.- Kusheshwar Asthan, District- Darbhanga. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
 2. Director, Primary Education, Government of Bihar, Patna.
 3. District Education Officer, District- Darbhanga.
 4. Block Education Officer, Kusheshwar Asthan (East), District- Darbhanga.
 5. Principal, Primary School, Navtolia (Tarbanna), Kusheshwar Asthan (East),
District- Darbhanga.
 6. Panchayat Secretary, Kusheshwar Asthan (East), District- Darbhanga.
- Respondents.

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Appearance :

For the Petitioner/s : Mr. Shiv Pratap, Advocate

For the Respondent/s : Ms. Anukriti Jaipuriyar, AC to Advocate General

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-09-2024 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. By filing the present writ application, the petitioner seeks a direction to the respondents to pay the salary of the petitioner for the period March, 2023 to June, 2024 with full back wages and also allow the petitioner to commence the teaching work in the light of the communication made vide Memo No.2167 dated 16.09.2023, Memo No.2949 dated 02.12.2023 and Memo No.796 dated 29.12.2023.

3. It is contended on behalf of the petitioner that the petitioner was selected and appointed to the post of Assistant Teacher and gave his joining in Primary School, Khatwe Tol,



under the Kusheshwarsthan Panchayat in the district of Darbhanga. Under the order of respondent no.6, he was adjusted in the Primary School, Bahera Musahari, District Darbhanga on 24.01.2012.

4. It is further contended that the petitioner has rendered unblemished service in the Primary School, Bahera Musahari since 2012, till he was transferred to the Primary School, Nawtolia Tarbanna in the year 2021. Thereafter, on the recommendation of respondent no.6, the Principal of Primary School, Bahera Musahari relieved the petitioner from the said school.

5. It is further contended that for the evaluation of the answer sheets of the annual intermediate examination conducted by the Bihar Intermediate Council, the petitioner was deputed from 14.02.2023 to 23.02.2023. On successful completion of the evaluation of the answer sheets, the petitioner was relieved from the said duty and was directed to join his school.

6. It is further contended that while the petitioner was discharging his duty of evaluating the answer sheets of the intermediate examination, vide Memo No.02 dated 15.02.2023, he was transferred to Primary School, Bahera Musahari, Darbhanga in teeth of rules notified by Urban Development and



Housing Department's vide Notification No.987 dated 03.03.2021.

7. It is further contended that being aggrieved by his transfer order, the petitioner raised his grievance before the District Magistrate, Darbhanga, who directed the District Education Officer, Darbhanga to look into the matter. Thereafter, the District Education Officer directed the Block Education Officer, Kusheshwar Asthan (East) to enquire the matter and submit a report. In the enquiry report, it is stated that the transfer order of the petitioner was not passed in accordance with rules notified by the Urban Development and Housing Department's Notification No.987 dated 03.03.2021 and the same was done in haste and vide order dated 29.12.2023, his transfer order was annulled and he was directed to join Primary School, Nawtolia Tarbanna but the Principal of the said school refused to accept the joining of the petitioner. Accordingly, it is submitted that without any fault on the part of the petitioner his salary from March, 2023 to June, 2024 has been withheld.

8. Considering the facts and circumstances of the case and the materials available on record, in my view, no useful purpose would be served in keeping this writ application pending. Accordingly, I direct the petitioner to file a fresh



representation before the District Education Officer, Darbhanga within a period of four weeks raising all his grievances along with all supporting documents. The District Education Officer is directed to dispose of the representation of the petitioner by a reasoned and speaking order and pay the admitted dues of the petitioner within two months from the date of receipt/production of a copy of this order before him.

9. It is made clear that if this order is not complied within the stipulated period, as aforesaid, this Court may take serious view of the matter.

(Anjani Kumar Sharan, J)

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