

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16984 of 2024

Ramyatan Kumar Son of Vishnu Ram Resident of Mohalla- Bhusunda (Beldari Tola), Manpur, P.S.- Moffasil, District- Gaya. At present posted as Headmaster of Middle School, Shahmir Takya (Samir Takya), Nagar Nigam South, Gaya, P.S.- Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar. through its Chief Secretary of Education Department, Bihar , Patna,Bihar.
2. The District Magistrate, Gaya.
3. The Additional Chief Secretary of Education Department, Bihar, Patna.
4. The Director of Education-cum-Additional Secretary, Education Department, Bihar, Patna.
5. The Director of Primary Education, Bihar, Patna.
6. The Regional Deputy Director of Education (Magadh Pramandal), Gaya.
7. The District Education Officer, Gaya.
8. The District Programme Officer (Establishment), Gaya.
9. The School Sub-Inspector, Nagar Nigam South, Gaya.
10. The Headmaster of Identified, Mahavir Middle School, Gaya.
11. Smt. Geeta Rani Head Mistress of Krishna Kant Kanya Middle School, Nagar Nigam South, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Syed. Rizwanul Haque, Advocate
For the Respondent/s	:	AC to GA-9
For Respondent No.11	:	Mr. Avanindra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-11-2024 Heard learned counsel for the petitioner, learned AC to GA-9 and the learned counsel appearing on behalf of the respondent no.11.

2. The Court in the nature of prayer made in the writ application does not find any merit in the case, as such is not inclined to entertain the writ application for reasons to be



recorded herein after.

3. The learned counsel submits that the instant writ application has been filed seeking quashing of the memo no.1342 dated 25.09.2024 passed by the respondent no.8 (Annexure-5) and also to quash the order contained in memo no.190 dated 07.10.2024 passed by the respondent no.8 (Annexure-7) whereby respondent no.8 has transferred the petitioner from Middle School, Shahmir Takya (Samir Takya), Nagar Nigam (South), Gaya to Middle School, Abgila, Gaya.

4. The learned counsel submits that the petitioner was posted as Headmaster of Shahmir Takya, Nagar Nigam (South), Gaya Middle School from 04.02.2020. It is submitted the school has its own land and building. It is next submitted that there are schools of the State Government which do not have building and land, as such the students are being taught under trees etc., as such the Government decided to merge such school with those schools which were having their own land and building. It is next submitted that in pursuance of the policy decision of the State Government the Middle School of the respondent no.11 was merged with the middle school of the petitioner on 01.01.2024.

5. At this stage, the learned counsel appearing on



behalf of the State submits that when the school of the respondent no.11 was merged with the school of the petitioner, the petitioner did not raise any objection as he was allowed to discharge the duties of the Headmaster at Middle School, Shahmir Takya, Gaya for nearly ten months. It is next submitted that since respondent no.11 was also a Principal of a middle school which was not having its own land and building and the school of the respondent no.11, got merged with the school of the petitioner, as such respondent no.11 despite being headmaster was working under the petitioner. It is next submitted that thereafter the government realized that in one school two headmasters cannot be appointed, as such the order contained in memo no.1342 dated 25.09.2024 was issued by the District Programme Officer (Establishment), Gaya transferring the petitioner from his original place of posting to Urdu Middle School, Abgila, Nagar Nigam (South), Gaya.

6. The learned State counsel next submits that since the salary of the petitioner and the respondent no.11 being headmaster posted in same school could not have been paid as such for the said purpose the petitioner has been transferred from his original school to Urdu Middle School, Abgila, Gaya.

7. The learned counsel for the State next submits that



transfer is an incidence of service and if the petitioner is aggrieved by his transfer he ought to have moved before the authority competent instead of seeking quashing of the order of transfer by approaching this Court. It is thus submitted that the writ application is without merit and fit to be dismissed.

8. The Court is in complete concurrence with the submissions made by the learned State counsel. The writ application is dismissed.

(Satyavrat Verma, J)

Prakash Narayan

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