

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2790 of 2023

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Kumari Kusum W/o Ramesh Kumar Das, R/o Village - Gorla Chapra, P.S. -
Rivilganj, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of
Bihar, Patna.
3. The Director of Primary Education, Education Department, Government of
Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division at Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Program Officer (Establishment), Saran at Chapra.
7. The Rivilganj Nagar Panchayat, P.O. and P.S. - Rivilganj, District - Saran at
Chapra.
8. The Executive Officer, Rivilganj Nagar Panchayat, P.O. and P.S. - Rivilganj,
District - Saran at Chapra.
9. The Teacher Employment -cum-Education Committee, Rivilganj Nagar
Panchayat, P.O. and P.S. - Rivilganj, District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anjani Parashar, Adv.
For Respondent No. 8	:	Dr. Alok Kr. Sinha, Adv.
	:	Mr. Raja Prasad, Adv.
For the Respondent/s	:	Mr. Smt. Binita Singh (Sc 28)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

12 19-11-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

*“1. That this application is being filed
for issuance of an appropriate writ/order/direction
to quash the office-order contained in memo no. 912
dated 06.07.2022 of office Nagar Panchayat,
Rivilganj, Saran by the signature of Respondent No.*



8, whereby and where under the petitioner has been transferred from Middle School, Semaria West to Middle School, Godna Mathiya in view of the decision taken by the Teachers Employment cum-Education Committee (Respondent No. 9) vide its order dated 06.06.2022 which is also approved by the District Programme officer, Establishment, Saran (Respondent No. 6).

1/A That the petitioner also prays for an appropriate writ order or direction to quash the office-order contained in memo no. 1151/Chapra dated 02.09.2022 issued by Office Regional Deputy Director, Education, Saran Division, Chapra with the signature of Regional Deputy Director, Education, Saran Division, Chapra (respondent no. 4) whereby and where under he further approved the transfer of the petitioner from her initial place of posting i.e., Middle School. Semaria West to Middle School, Godna Mathiya and further observe that the matter relating to the service condition of teacher can be decided by the District Education Appellate Tribunal under Bihar Nagar Primary, School Service (Appointment, Promotion, Transfer, Disciplinary Action and Service Condition) Rules 2020.

1/B That further for grant of any other relief/reliefs for which petitioner is found entitle in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed as a Nagar Teacher in non-trained category under the Bihar Nagar Nikay Elementary Teacher (employment and Service Condition), Rules, 2006. That her initial place of posting was at Middle School, Semaria West and thereafter, she has been transferred to Middle School, Godna Mathiya. Learned counsel submits that the transfer of the petitioner to Middle School, Godna Mathiya



is illegal, bad, arbitrary and in violation of the rules and, therefore, the same has to be necessarily set aside. That aggrieved by the transfer *vide* Memo No. 06.07.2022 issued by the District Education Officer, Saran, the petitioner has preferred original application bearing OA No. T750 of 2022 before the State Appellate Authority. However, the State Appellate Authority has directed the petitioner to file a representation before the District Magistrate, Saran. The authorities have transferred the petitioner contrary to the rules framed under Bihar Nagar Nikay elementary Teacher (Employment and service conditions of Rules, 2006). Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition and set aside the impugned order of transfer.

4. *Per contra*, the learned counsel appearing on behalf of the respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that pursuant to the transfer orders passed, the petitioner has not joined the new posting. Further, it is stated that the Rivilganj Teacher Employment-cum-Education Committee in his meeting held on 06.06.2022 has taken a decision to adjust 11 teachers from one school to another which was later approved



by the District Programme Officer, Saran (Respondent No. 06 herein). That out of the 11 transfers which were made nine teachers have already joined and only two persons including the petitioner had not accepted the adjustment letter. Learned counsel has submitted that the distance between the two places of postings is very less and both are within the same area. That there is no inconvenience caused to the petitioner because of the said above adjustment. That both the places of posting are situated in the same employment unit. Learned counsel has submitted that the adjustment was made strictly in accordance with Bihar Nagar Nikay Elementary Teacher (employment and service conditions of Rules, 2006). Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, as seen from the record, the petitioner was initially posted as a Nagar Teacher in non-paid category at Middle School, Semaria West and, thereafter, she has been transferred/ adjusted to work at Middle School, Godna Mathiya. The fact remains that out of the eleven teachers where adjustments were made, nine teachers have already joined the new place of posting except the petitioner and one other.

6. Admittedly, both the schools are near to each other



and it is not the case of the petitioner that the new posting is at a very far of place or in another unit/ zone. The averment made in the counter-affidavit stating that both the schools are situated in one education unit has not been denied by the petitioner. This Court as well as the Hon'ble Supreme Court in a catena of cases has time and again held that transfer is an incidence of employment and the employee cannot challenge the transfer order unless and until any mala fide are alleged.

7. In this particular case, there are no mala fide allegations made against anybody and it is a routine transfer/ adjustment which the petitioner has to abide as per the service conditions.

8. Having regard to the above mentioned facts and circumstances, this Court does not find any merit in the present writ petition and the present writ petition is accordingly, dismissed however, without any costs.

(A. Abhishek Reddy, J)

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