

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7219 of 2023

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1. Jawaid Hassan Mansoori Son of Late Salauddin, Resident of Rampur, New Azimabad Colony, Police Station - Sultanganj, District - Patna.
 2. Rakesh Kumar Son of Dinesh Kumar, Resident of House No.282, 20A, Pirmuhani, Police Station - Kadamkuan, Patna - 800003.
 3. Sunil Kumar Son of Madan Lal Vishwakarma, Resident of village, P.O. and P.S. - Bikram, District - Patna.
 4. Shiv Shankar Tiwari son of Late Arun Kumar Tiwari, Resident of village - Karnapura, Police Station - Sigauri, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary-cum-Principal Secretary, Education Department, Government of Bihar,
2. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Education Officer, Patna.
6. The District Education Officer, Bhojpur.
7. The Divisional Educational Establishment Committee, Patna Division, through its Chairman-cum- Regional Deputy Director of Education, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 8145 of 2023

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1. Anjani Kumar Rai S/o Late Shankar Rai, Resident of Devnagar Banu Chhapra, West Champaran at Bettiah.
 2. Anil Kumar Jha, S/o Ashok Kumar Jha, resident of Ward No. 16, Ojhabaliya, Siswa Sare, West Champaran at Bettiah.
 3. Shivrath Vidyarthi, S/o Ghur Yadav, resident of Ward No. 32, Belbag Bargali Colony Near A.G. Mission, South Lane, Bettiah, District - West Champaran.
 4. Rajnish Kumar Verma, S/o Madan Mohan Prasad Verma, resident of 311 Ward No. 01, Ramnagar Nepali Tola, Ram Nagar, District - West Champaran at Bettiah.
 5. Shatrughan Singh, S/o Late Kedar Nath Singh, resident of Dhokraha, District - West Champaran at Bettiah.



6. Pawan Kumar Ojha, S/o Sadhu Ojha Yadav, resident of Chhapar Loharia, District - West Champaran at Bettiah.
7. Ananad Kumar Rai, S/o Late Nawal Kishore Rai, resident of Ward No. 13, Shyampur Kotraha, West Champaran at Bettiah.
8. Om Prakash Tiwary, S/o Late Braj Mohan Tiwari, resident of Narkatiaganj, Ward No. 21, Bahuasba, West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Patna.
2. The Director, Secondary Education, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The District Education Officer, West Champaran at Bettiah.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 10018 of 2023

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1. Anil Kumar Upadhyay Son of Late Suresh Upadhyay, Resident of Village- Paiga, P.O.- Gundi, P.S.- Barhara, District- Bhojpur.
2. Dadan Singh, Son of Late Rajvansh Singh, Resident of Village and P.O.- Posawan, P.S.- Agiaon, District- Bhojpur.
3. Amit Kumar, Son of Late Ramkrishna Prasad, Resident of Village- Gauri, P.O.- Raisha, P.S.- Chandi, District-Nalanda.
4. Shailendra Kumar, Son of Ramchandra Prasad, Resident of Village and P.O.- Bhandari, P.S.- Rahui, District- Nalanda.
5. Anand Bhushan Son of Late Awadesh Prasad Yadav, Resident of Village- Chowk Sikarpur, P.O.- Patna City, P.S.-Chowk City, District- Patna.
6. Ramesh Prasad, Son of Late Kameshwar Prasad, Resident of Village- Bhabhar Pokhar, P.O.- Bakipur, P.S.- Pirbahore, District- Patna.
7. Pradeep Kumar, Son of Late Krishna Kumar Sinha, Resident of Village- West Lohanipur, P.O.and P.S.- Kadamkuan, District- Patna.
8. Pappu Kumar @ Pappu Son of Late Kamta Prasad, Resident of Village- Sudhi Tola, P.O.- Mahendru, P.S.- Pirbahore, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary-cum-Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Education



Department, Government of Bihar, Patna.

3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Education Officer, Patna.
6. The District Education Officer, Bhojpur.
7. The Divisional Educational Establishment Committee, Patna Division, Through its Chairman-cum- Regional Deputy Director of Education, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 10175 of 2023

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1. Lalit Narayan Mishra Son of Bhalchandra Mishra Resident of Juvala Sadan, Refujee Colony, Ward No. 6, Saharsa, P.S. and District- Saharsa.
2. Shashi Shekhar Singh Son of Late Ram Bahadur Singh Resident of Mohalla- Gangjala, Viral Kunj, Gokul Chawk, Ward No. 18, Saharsa, P.S. and District- Saharsa.
3. Krishna Kumar, Son of Kameshwar Prasad Singh Resident of Bumfar Chowk, Ward No. 12, Gangjala, Saharsa, P.S. and District- Saharsa.
4. Ravi Shankar Prakash, Son of Deep Narain Singh Resident of Village- Bancholaha, Ward No. 4, Khajuri, P.S.- Saur Bazar, District- Saharsa.
5. Amarnath Choubey, Son of Lakshman Choubey Resident of Near R.M. College, Tiwari Tola, ward No. 33, Nagar Parishad, Saharsa, P.S. and District- Saharsa.
6. Ashok Priyadarshi, Son of Sachidanand Mishra Resident of Mohalla- Kaishth Tola, Ward No. 30, Saharsa, P.S. and District- Saharsa.
7. Sanjay Kumar, Son of Late Narayan Yadav Resident of Village- Bhawanipur (West), Ajgaiba, Ward No. 03, Saharsa, P.S.- Baijnathpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum- Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum- Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Koshi Division, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Programme Officer, Establishment, Saharsa.



7. The Divisional Education Establishment Committee, Koshi Division, through its Chairman-cum- Regional Deputy Director of Education, Koshi Division, Saharsa.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 7219 of 2023)

For the Petitioner/s : Mr. Kumar Kaushik, Adv.

For the Respondent/s: Mr. Subhash Chandra Mishra (Sc16)

(In Civil Writ Jurisdiction Case No. 8145 of 2023)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Respondent/s: Mr. Madanjeet Kumar (Gp20)

(In Civil Writ Jurisdiction Case No. 10018 of 2023)

For the Petitioner/s : Mr. Kumar Kaushik

For the Respondent/s: Mr. Madhaw Prasad Yadaw (Gp 23)
Mr. Rajesh Kumar Sinha, AC to GP-23

(In Civil Writ Jurisdiction Case No. 10175 of 2023)

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Respondent/s: Mr. Kameshwar Kumar (Gp 17)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 10-01-2025 Heard learned counsel for the petitioners as well
as learned counsel appearing for the respondent-State.

2. Since common issue is involved in these writ petitions, therefore, all these petitions are being heard and disposed of by this common order.

3. These writ petitions have been preferred by the petitioners seeking quashing of the order contained in Memo No. 84 dated 04.05.2023 issued by the Director, Secondary Education, Education Department, Government of Bihar by which the services of petitioners have been directed to be transferred in terms of Rule 17 of the Bihar Clerical Employees (Recruitment) Promotion and Transfer



Rules, 2019 after modifying the order contained in Memo No. 141 dated 14.10.2020 which was issued in compliance of order dated 14.01.2020 passed in C.W.J.C No. 15892 of 2019.

4. Learned counsel appearing for the petitioners submits that the petitioners in all these writ petitions are working as UDC and LDC under the Education Department, Government of Bihar. Their services have been transferred to other places from their present place of posting on the basis of a policy decision taken by the respondent No.3 i.e. The Director, Secondary Education, Education Department, Government of Bihar, Patna. According to the learned counsel for the petitioners, the services of the petitioners have been transferred reviewing the order dated 14.10.2020 i.e. Annexure-P/6 which was issued in compliance with the order dated 14.01.2020 passed in C.W.J.C. No. 15892 of 2019. Pursuant to the transfer order, the petitioners have joined their present place of posting as of now and they are working there.

5. Since the petitioners have already joined their present place of posting and they are working there, therefore, it would be appropriate to dispose of these writ petitions giving liberty to the petitioners firstly to make their



representation before the respondent which shall be considered and decided by the respondent No.2. Thus, these writ petitions are disposed of. All the petitioners are directed to firstly make their representation raising all the grounds raised in these writ petitions before the concerned respondent i.e. The Additional Chief Secretary -cum- Principal Secretary, Education Department, Government of Bihar, Patna and on submission of such representation, the concerned respondent authority is also directed to consider and decide the same as early as possible preferably within 90 days from the date of receipt of a copy of this order in accordance with the relevant Rules and law and pass a reasoned order.

6. However, the petitioners would be at liberty to approach this Court if occasion will arise later on.

(Arvind Singh Chandel , J)

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