

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11604 of 2025

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Soni Kumari wife of Sunoj Kumar, D/O Indrashan Singh, resident of Station Road, Hajipur, Dighi Kalan Purvi, P.S.-Hajipur, District-Vaishali, presently residing at P-63, Polo Square, MES Shiv Mandir Colony, Danapur Cantt., P.S.-Danapur, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar x
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna
4. The Director Primary Education, Education Department, Govt. of Bihar, Patna
5. The Regional Deputy Director of Education, Patna Division, Patna
6. The Regional Deputy Director of Education, Purnea Division. Purnea
7. The District Education Officer, Patna
8. The District Education Officer, Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Gangesh Gunjan
For the Respondent/s	:	Mr. Government Pleader (26)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2025

1. Heard the parties.

2. The petitioner aggrieved by Memo No. 1616 dated 03.06.2025 issued by the Director, Secondary Education, Govt. of Bihar, has filed the present writ application whereby the petitioner has been posted as Headmaster in Katihar District, Purnea Division against the option given by her for her posting at Patna, Saran and Tirhut respectively.

3. The petitioner was appointed as a BPSC Teacher,



TRE-1. She was posted as a teacher in Saran however, on the ground of ailment of her husband, she has been transferred and posted at Patna in Plus 2 High School Lai in the Bihta Block of Patna District in the Gram Panchayat of Machhalpur Lai.

4. BPSC published an advertisement bearing No. 26 of 2024 for selection on the post of Headmaster in the Senior Secondary Schools. The teachers who were already working were eligible to apply for appointment on the post of Headmaster and accordingly the petitioner applied and was selected as Headmaster.

5. The Director, Secondary Education, directed the selected candidates to submit their option for posting as Headmaster. The candidates were required to opt for three divisions and three districts of their choice. In pursuance thereof, the petitioner opted for Patna, Saran and Tirhut respectively in the order of priority. The husband of the petitioner is posted at Danapur Cantt. in Military Engineering Service and is a patient of brain stroke.

6. The petitioner submitted her transfer request application from Saran District to Patna District as BPSC Teacher TRE 1 which was accepted and Director, Primary Education, vide letter no. 868 dated 24.03.2025 transferred the



petitioner to Patna District.

7. Learned counsel for the petitioner submits that the petitioner was transferred from Saran to Patna on the ground of illness of her husband and within seven days of her joining at Patna, she has been posted as Headmaster in the District of Katihar in Purnea Division. The petitioner has filed the representation before the Additional Chief Secretary, Education Department, Govt. of Bihar for her posting on the basis of option given by her on the ground of ailment of her husband.

8. Learned counsel relies upon the Circular No. 881 dated 03.06.2009 under which the policy and process of transfer has been laid down. In circular, it has been provided that application made by the employees on the ground of spouse being posted at the same location and serious illness of the family members, the Department can consider transfer/posting of the concerned employees. Accordingly, the submission is that the representation of the petitioner may be considered on the basis of the circular/guidelines regarding transfer/posting by the Authorities.

9. Learned counsel for the State submits that the petitioner if so desire may file a fresh representation along with the circular/guidelines of the Government before the Additional



Chief Secretary, Education Department, Govt. of Bihar, which shall be decided in accordance with law.

10. Considering the rival submissions and taking into consideration the nature of prayer made in the writ application, the same is disposed with liberty to the petitioner to file a fresh representation along with all the documents before Additional Chief Secretary, Education Department, Govt. of Bihar, within a period of one week.

11. If such a representation is filed, the Additional Chief Secretary, Education Department, Govt. of Bihar, is directed to dispose the same in accordance with law expeditiously taking into account the guidelines/ circular of the State Government as soon as possible preferably within a period of two months from the date of receipt/production of a copy of this order.

12. With the aforesaid direction, the present writ application stands disposed.

(Anil Kumar Sinha, J)

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