

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11730 of 2025

=====

Manisha Kumari daughter of Krishnandan Mishra, Resident of Village-
Mahaward, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, New Secretariat, Patna.
4. The Bihar Public Service Commission, 15- Nehru Path (Bailey Road), Patna- 800001 through its Chairman.
5. The Examination Controller, Bihar Public Service Commission, 15- Nehru Path (Bailey Road), Patna- 800001.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Ms. Alka Verma
For the State	:	Mr. Akhileshwar Singh, AC to GA 2
For the BPSC	:	Mr. Sanjay Pandey
		Mr. Nishant Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- | | | |
|---|------------|---|
| 2 | 22-07-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the parties concerned.2. The petitioner has filed the present writ application being aggrieved by the Memo No. 1616, dated 30.06.2025, issued by the Director, Primary Education, Government of Bihar, whereby the petitioner has been posted as Headmaster in the district of East Champaran against the option given by her for her posting at Patna, Jehanabad and Vaishali, respectively.3. The petitioner was appointed as a BPSC Teacher, TRE-1. |
|---|------------|---|



She was posted as a teacher in Gaya. The Bihar Public Service Commission 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.

4. 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, Jehanabad and Vaishali respectively in the order of priority. The petitioner has donated one of her kidneys to her husband, namely, Sanjeev Kumar Chandan.
5. The petitioner had submitted her transfer request application from Gaya District to Patna District, which was accepted and vide order, dated 19.06.2025, the petitioner was transferred to Patna District.
6. Learned Counsel for the petitioner submits that the petitioner was transferred from Gaya to Patna on the ground of illness of her husband and within eleven days



of her transfer order, she has been posted as Headmaster in the district of East Champaran. The petitioner has filed a representation before the Additional Chief Secretary, Education Department, Government of Bihar, through email, for her posting on the basis of option given by her on the ground of ailment of her husband.

7. 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.
8. Learned Counsel for the State submits that the petitioner, if so desire, may file a fresh representation along with necessary documents and the circular/guidelines of the Government before the Additional Chief Secretary, Education Department, Government of Bihar, which shall



be decided in accordance with law.

9. 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, Government of Bihar, within a period of one week from today.
10. If such a representation is filed, the Additional Chief Secretary, Education Department, Government 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 filing of the representation along with a copy of this order.
11. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓		
---	---	--	--

