

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12867 of 2025

=====

Pinky Kumari Wife of Murari Kumar Dinkar, Resident of village and Post-Kishanpur, P.S.- Barbiga, District- Sheikhpura at present Resident of Village- Satbigi, P.S.- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Rakesh Ranjan,Adv.
For the Respondent/s	:	Ms. Shweta Anad, AC to Government Pleader (16)
For BPSC	:	Mr. Sanjay Prasad, Adv.
		Mr. Nishant Kumar Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-08-2025 Mr. Rakesh Ranjan, learned counsel for the petitioner, Ms. Shweta Anand, AC to GP-16, representing State and Mr. Sanjay Prasad, learned counsel appearing for Bihar Public Service Commission are present.

2. The instant writ application has been filed for the following relief(s):-

“(i) For issuance of writ of CERTIORARY for quashing the order bearing memo no.1837 dated 01.07.2025 issued under signature of The Director, Primary Education, Bihar, whereby and whereunder issued a list of District wise allotment (Through the online) of



Head Teachers in Primary School without following the Rules/Guide lines of merit-cum-choice policy made posting of petitioner under Araria District and distance above 300 Km far from the house of petitioner.

(ii.) For issuance of appropriate writ in the nature of MANDAMUS for commanding and directing the respondent authorities for allotment of posting to the petitioner under home district & home Block, because mother-in-law of the petitioner is suffering from several disease and also liability of education of the minor son.

(iii.) For issuance of an ad interim direction upon the concerned respondent authorities under the Education Department of the State Government to refrain from giving effect to the recommendations and allotment of districts in respect of Head Teachers as communicated by the impugned order dated 01-07-2025 bearing memo no- 1837 in so far as the same relates to the present petitioner during the pendency of the present writ application.

(iv.) For issuance appropriate writ in the nature of MANDAMUS for commanding and directing the respondent authorities for disposing of the representation filed on 07-07-2025 and 14.07.2025 before the Additional Chief Secretary, Education Department Bihar, Patna and Director, Education Department Bihar Patna.

v.) For issuance of any other



appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Head teacher pursuant to the Advertisement no. 25/2024 in terms of the provisions contained in the Bihar Elementary School Head Teacher Rules, 2024 (for short 'the Rules, 2024') which was notified *vide* Notification dated 20th February, 2024, wherein the provisions of appointment and service conditions of the teachers have been laid down under the same Legislation. The said Rules contained detailed provisions with regard to the constitution of the cadre, procedure for appointment, reservation, seniority as well as transfer and other ancillary matters pertaining to the Head teachers to be appointed in the Elementary Schools in the State of Bihar.

4. It has next been submitted that Rule 7 of the aforesaid Legislation would demonstrate that the persons appointed as against the post of Head Teachers were transferable in accordance with the provisions contained in 'the Rules, 2024' which prescribes that the Head Teachers could be



transferred within and outside the District on his/her request by the Director (Primary) Education and the said benefit cannot be claimed as a matter of right and the Administrative Department could refuse such request depending upon the exigencies as appearing on record.

5. It has next been submitted that the petitioner being eligible for being appointed as Head Teacher was recommended by the Commission and, accordingly, for requisite qualification by the State Government was issued for the purpose of giving appropriate posting in the respective Districts on the basis of merit-cum-choice. It is the case of the petitioner that *vide* letter dated 02.01.2025, the Directorate, Primary Education, Bihar came out with a decision requiring the selected candidates to submit three options for allocation of districts, which were to be given due weightage as per merit-cum-choice. It is the case of the petitioner that petitioner has submitted three options for purpose of allotment of districts within the stipulated period on the portal of E-Education Cell. It has next been submitted that the concerned authorities without appreciating the merit and the choice so submitted on the web portal allotted such districts which were not given as a choice which would be apparent from the statements made in para-24 of the present petition wherein,



the petitioner has stated that she is a resident of District-Shiekhpora and belongs to BC (female) category and initially was granted Sheikpura as her first choice but in second list she was not provided the district of her choice rather she was provided the district of Araria which about 300 Kilometres away from her own district. The petitioner has also filed representations on 07.07.2025 and on 14.07.2025 to the Additional Chief Secretary, Bihar, Patna agitating her grievances and in support of the same, has provided documents for consideration by the authorities.

6. Since the representations so submitted have yet not been heard by the respective authorities, therefore, it is expected that the policy so framed by the State Government for bringing uniformity in the case at hand, the authorities so competent are obliged under law to give a hearing, if so required to decide the case on the basis of the requisite documents filed by them and are appearing on web portal and is found in conformity with the policy so formulated, and must be decided without any inordinate delay.

7. Since the representations, which are said to have been filed, are still to be considered by the Department of Education and therefore, this Court finds it appropriate to direct that the representations so filed must be considered in



accordance with the policy and if it is found that the merit of the petitioner and the choice so submitted has not rightly been considered, then, the appropriate orders are required to be passed, so that uniformity in allocation of districts as well as blocks are maintained in favour of the petitioner without any inordinate delay because delay in disposal would not be in good interest of the parties for which, such appointments have been made.

8. In such view of the matter, the present petition is disposed of with a direction that the authorities concerned must consider the representations so filed by the petitioner within a period of eight weeks so that the appropriate posting of the Head teachers as per merit-cum-choice can be effected in accordance with law and the object of such posting at appropriate Districts is not frustrated in any manner.

9.. The instant writ petition stands disposed of with the aforesaid directions and observations.

(Ajit Kumar, J)

perwez

U			
---	--	--	--

