

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12859 of 2025

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Smt. Swati Nupur, Wife of Sri Ashish Kumar, Resident of Rental Flat No.- 93,
Kankarbagh, P.O.- Lohiyanagar, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary (Primary Education), Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director (Primary Education), Department of Education, Government of Bihar, New Secretariat, Patna.
4. The District Education Officer, Patna, Office of District Education Office, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aakash Deep, Adv.
For the State : Mr. Rewati Kant Raman, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-08-2025 Heard Mr. Aakash Deep, learned counsel for the

petitioners and Mr. Rewati kant Raman, learned counsel for the

State.

2. The petitioner has filed the present writ petition,
praying for issuance of direction for quashing the order of
allocation as contained in Memo No. 1934, dated 14.07.2025
and the subsequent order of posting dated 17.07.2025, in so far
as it purports to post the petitioner at Primary School,
Mohabatpur, Paliganj, while posting several of her juniors in
school within Patna Sadar, in supersession of her seniority and



merit as well as the option submitted by the petitioner. The petitioner further prays for a consequential relief seeking direction upon the respondents to consider and post the petitioner as Head Teacher in any school within Patna Sadar Block, strictly in accordance with her seniority and merit.

3. It is the case of the petitioner that petitioner successfully completed her Matriculation in 1993, Intermediate Examination (+2) in 1995 and Graduation in 1999. The said petitioner also acquired the qualification of B.Ed in 2005 and successfully completed her M.Sc in Zoology in 2008-2009.

4. it is next been submitted that in terms of Advertisement issued vide Advertisement No. 25/2024, which was published by the Bihar Public Service Commission on 01.03.2024, inviting application from eligible candidates for appointment against 40247 posts of Head Teacher in different Blocks, the petitioner is said to have applied in terms of the District-wise and the combined vacancy position made available on the website of the Commission with options as directed. The petitioner being otherwise eligible and having about 17 years of continuous teaching experience, applied against the said Advertisement and after completion of formalities and requisite tests the counseling for appointment was held in between



09.12.2024 to 18.03.2025 and the petitioner participated in the counseling as per her merit position and her documents were verified and were found to be in order.

5. It is next been submitted that the respondents Authorities allocated her respective Districts vide Memo No. 1824, dated 01.07.2025. From the Web-copy as appended with the writ petition vide Annexure-P/2, the petitioner is said to have given choice of posting, which would be apparent from the web-copy of choice within the District submitted by the petitioner, wherein it the names of three Districts is said to have been mentioned as Patna, Bhojpur and Buxar.

6. It is the case of the petitioner that the juniors to the petitioner in the merit list have been given preferential posting, whereas the petitioner's merit has been compromised and furthermore, from the statements made in paragraph-13 that the petitioner has two children, her younger son has been suffering from a congenital heart disease called Arterial Septal Defect. He had to undergo an open heart surgery at AIIMS, New Delhi in 2022 and is under constant medical care and supervision of the Doctors of AIIMS, New Delhi and Patna and on this issue as well, the petitioner made a representation vide Annexure-P/6, in which both the issues are said to have been mentioned. The



same would be apparent from perusal of the said representation, that even the seniority of the petitioner for no prudent reason is said to have been compromised. Apart from the issues of merit-cum-choice in the posting as indicated above, the medical conditions, which the petitioner is said to be facing, is also one of the ground which needs to be considered by the Authorities. It is apt to state that it seems that there authorities dealing with subject for reasons unexplained are not giving effect to the policy of merit –cum-choice frame for bringing uniformity in the matters of transfer and posting and the reason being large number of cases are being filed with the same and similar grievances, which needs to be seriously gone into by the authorities concerned. It is the case of petitioner that the persons junior to him is said to have been given choice posting at Patna whereas, the seniority of the petitioner has not been considered.

7. In such view of the matter, the representation, which is said to have been submitted before the Director, Primary Education, requires adjudication by the Authorities competent in law taking into account the policy formulated for posting, which the State Government is said to have notified for allocating Block to the persons within the District, as per the choice given by the petitioner, which is appended as Annexure-



P/3. The issues raised by the petitioner by way of representation submitted before the authorities, is said to be pending and has also not been considered till date.

8. In such view of the matter, it is expected that the Authorities must consider the representation of the petitioner with regard to allocation of Blocks within the District and accordingly, necessary order is required to be issued for appropriate posting within a period of four weeks from the date of receipt of this order.

9. Till such time, no coercive steps shall be taken against the petitioner.

10. The instant writ petition is accordingly disposed off.

(Ajit Kumar, J)

pravinkumar/-

