

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13206 of 2025

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Rakesh Kumar Sinha @ Rakesh Kumar Singh Son of Awadh Kishore Prasad Sinha, Resident of Mohalla- Awadh Kunj, Road No.3, Govrdhan Vihar, P.S.- Vishnupad, District- Gaya. At present posted and working as a Headmaster in Middle School, Echoi, Block- Tankuppa, P.S.- Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The District Education Officer-cum-the Chairman, District Elementary Teachers Promotion and Transfer Committee, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer (Establishment)-cum-the Chairman, District Elementary Teachers Promotion and Transfer Committee, Gaya.
8. The District Programme Officer (Establishment), Gaya.
9. The Block Education Officer, Block- Tankuppa, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (04)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 21-08-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-



(i) For issuance of an appropriate writ in the nature of for commanding and directing the respondent authorities concerned to direct respondents to transfer the petitioners as per Rule 3 read with Rule 5 (Kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary action and promotion), Rule 18 (herein after referred as "the Rule 2018") as per options exercised by them but even after exercising their option, their transfer has not been done and hence the respondent authorities concerned may kindly be directed to consider the case of the petitioners in accordance with transfer Rule, 2018.

ii). For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to take the decision in favour of the petitioner by transferring the petitioner in the schools, for which, he has exercised his option, which is being duly recommended and received by the authorities concerned.

iii). For issuance of an appropriate writ in the nature of mandamus for commanding directing the respondent authorities concerned to consider and redress the genuine grievances of the petitioner for his transfer in the schools, for which, he has given his options, as petitioner has narrated all the facts and circumstances, under which, they are entitled to be considered for his transfer in the schools against the vacant post of Teachers/Headmasters, for which the petitioner has exercised his options, so that they might be able to impart his duty in free atmosphere.

iv). For issuance of an appropriate writ as an alternative prayer of the petitioner for commanding and directing the respondent authorities concerned to dispose of the representations of the petitioner, as till date, the same has not been considered by the respondent



authorities by ventilating the genuine grievances of the petitioner for direction to the Elementary Teacher Promotion Committee, Gaya for transfer of the petitioner against the sanctioned and vacant post of teachers/Headmasters in the schools as per the option given by them.

v). For issuance of any other appropriate writ/writs, order/ orders, direction/ directions for which the writ petitioner will be found entitled in the facts and circumstances of the case.

3. It is the case of the petitioner that the petitioner was appointed to the post of Assistant Teacher in the year 2000 and at present he is working in the post of Headmaster in Middle School, Echoi, Block – Tankuppa, District Gaya.

4. The petitioner has filed a representation before the respondents, as per Rule 3 read with Rule 5 (Kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion) Rule, 2018 for consideration of his transfer, as per the option given, which is appended as Annexure-P/2 of the writ petition.

5. This Court without entering into the merits of the case, this application stands disposed off with direction to District Education Officer, Gaya, to consider the representation which is said to be filed by the petitioner on 18.06.2024, appended as Annexure-P/2 of the writ petition, in terms of the Rule 3 read with Rule 5 (Kha) of Bihar Nationalized Elementary



Teacher Transfer (Disciplinary Action and Promotion) Rule,
2018, preferably within a period of eight weeks.

(Ajit Kumar, J)

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