

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12870 of 2025

=====

Md Nasim Hashmi, Son of Abdul Mannan, Resident of Village and Post
Ahiyapur, PS Sahebganj, District Muzaffarpur.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Government Advocate (7)

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-08-2025 Heard Mr. Sanjay Kumar learned counsel for the
petitioner and learned counsel for the State.

2. Learned counsel for the petitioner prays for
following reliefs:-

*“A. For the issuance of an
appropriate writ, order or direction,
quashing the order issued vide memo no.
1934 dated 14.07.2025 as contained in
Annexure- P/6 in respect of the Petitioner,
and holding the allotment of Katra Block
under Muzaffarpur District to the Petitioner
is arbitrary, illegal and unsustainable in the
eye of law;*



B. For the issuance of an appropriate writ, order or direction in the nature of Mandamus, commanding the respondents to allot any one of the three Blocks preferred by the petitioner, namely Kanti, Mushari and Bochha under the District of Muzaffarpur, in accordance with the choice preference submitted by the petitioner on 05.07.2025 as contained in Annexure- P/5.

C. Pass such other and further writ(s), order(s) or direction(s) as may be deemed just, fair and necessary in the interest of justice.”

3. It is the case of the petitioner that in terms of the Advertisement issued by the Bihar Public Service Commission, dated 01.03.2024, the petitioner applied and after having the written examination conducted by the Commission, the selection was notified and thereafter the petitioner was allocated the District, as per choice, which is apparent from paragraph-11 of the writ petition, where it is mentioned that after allotting the District- Muzaffarpur, the Director, Primary Education vide letter no. 1851, dated 02.07.2025, asked the concerned persons, to give them option for choice posting and such choices were to



be sent to the official Web portal within the period specified.

4. The petitioner is said to have given his choice of posting in the blocks namely Kanti, Mushari and Bochaha. The office order issued by the Director, Primary Education as contained in Memo No. 1934, dated 14.07.2025, goes to show that the Department has come out with a letter asking the concerned candidate to give their choice of posting. If such exercise is being taken by the Department to give his choice posting, as per the Policy, then the authorities are under obligation to respect such choices as submitted by them.

5. From the contentions made in the petition, it is apparent that the choices given by the petitioner has not been considered and it is his case that the posting at present, where the petitioner is said to have been given, is far away from the place and even the seniority of the petitioner vis-a-vis others is said to have been compromised. The Department is expected to consider the same and make all possible steps to post them as per their choice. These type of grievances, this Court is facing in various cases. It is expected that some modalities be framed to maintain the office in order, so that the exercise, which is expected in terms of the Policy is carried out in letter and spirit.

6. If the representation is said to have been made by



the petitioner, which is appended as Annexure-P/8 is required to be considered and the petitioner proposes to file a detail representation. If so advised, in the event, of such representation having been filed, the said representation is required to be considered within a period of four weeks, taking into account that the commitment with the State Government notified in terms of their own Policy, and ensure that the petitioner does not get prejudice in any manner and the appropriate postings are made without any delay and the students are not allowed to suffer in any manner.

7. Accordingly, this writ petition is disposed of.

(Ajit Kumar, J)

pravinkumar/-

U			
---	--	--	--

