

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14808 of 2025

Shalina Kumari W/o Raj Nandan Sharma, R/o- Flat No. 106, First Floor, Prachi Orchid, Anand Vihar Colony, Opposite S.B.I. Bank, Ashiana- Digha Road, Ashiana Nagar, P.O.- Ashiananagar, P.S.- Shastrinagar, Town and District- Patna- 800025.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Patna.
4. The District Program Officer (Establishment) Education Department, Patna.
5. The Block Development Officer-cum-the Executive Officer- cum-the Member Secretary, Block Teachers Employment Unit, Bikram, District- Patna.
6. The Head Master, Rajkiy Buniyadi Vidyalay (Govt. Basic School), Raghapur, Bikram, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv. Mr. Avanindra Kumar Jha, Adv. Mr. Ram Naresh Jha, Adv. Mr. Bishwash Vijeta, Adv. Mr. Prabhat Kumar Singh, Adv.
For the Respondent/s	:	Mr. Standing Counsel (15)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-09-2025

Heard the parties.

2. The petitioner has invoked the extraordinary writ jurisdiction of this Court for the following reliefs:-

“i. Issuance of an order/direction or a writ in the nature of mandamus commanding respondents concerned to take final decision in connection with the representation filed by the petitioner before the District Education Officer,



Patna on 16.06.2025 (through online mode)- {Annexure-P/6/}/24.06.2025-{Annexure P/7}, for her transfer to the nearest school, where the husband of the petitioner (who has been suffering from Heart disease, has been posted in Urban Area of Patna Town.

ii. To hold and declare that the action of the Respondent No. 3 in not taking final decision in connection with the said representation of the petitioner dated 16.06.2025/24.06.2025 is in the teeth of the provisions as contained in State Govt. Notification No. 709 dated 21.08.2020 (Annexure - P/3), State Govt. Notification No. 875 dated 07.06.2021 (Annexure P/4) & Press Release dated 06.10.2024 relating to the Transfer Policy of Teachers (Annexure - P/5).

iii. For grant of any other relief(s) to which the Petitioner may be found entitled to in the facts and circumstances of this case.

3. It is the contention of the learned Advocate for the petitioner that on account of serious ailment of the petitioner's husband, she filed repeated representations and the grievance before the concerned authority for her transfer to the place where her husband is working in the light of the Government Notification No.875 dated 07.06.2021, especially clause (झ), which reads as follows:-

“(v) यदि कोई शिक्षक/पुस्तकालयाध्यक्ष स्वयं अथवा उसकी पत्नी /पति



अथवा उनके आश्रित असाध्य रोग / गंभीर बीमारी (स्वास्थ्य विभाग के द्वारा समय-समय पर निर्गत परिपत्र / आदेश/निदेश के अनुसार) से ग्रसित हो अथवा किसी शिक्षक / पुस्तकालयाध्यक्ष का पुत्र/पुत्री अथवा पत्नी/पति मंद बुद्धि अथवा मानसिक रोग से ग्रसित हो तो उन्हें स्थानान्तरण में प्राथमिकता दी जायेगी/ इसके लिए असेनिक शल्य चिकित्सक-सह-मुख्य चिकित्सा पदाधिकारी अथवा उनके द्वारा प्राधिकृत चिकित्सक के स्तर पर निर्गत स्वास्थ्य संबंधित प्रमाण पत्र वेब पोर्टल पर अपलोड करना अनिवार्य होगा।"

4. The medical certificates issued by the Civil Surgeon-cum-Chief Medical Officer, Patna, diagnosed that the husband of the petitioner suffers from acute coronary syndrome with PTCA. The letter issued by the Government of Bihar in the Department of Personnel dated 05.10.1967 has also been placed on record to support the contention that in case there is no difficulty, both the husband and wife should be placed at one place.

5. On the other hand, learned Advocate for the State submitted that since the request of the petitioner for transfer to the place where her husband is working is pending consideration, the same shall be considered by the appropriate authority in accordance with law.

6. Having considered the materials available on record and taking note of the fact that the request of the petitioner for transfer is pending consideration, this Court deems it fit and proper to dispose off the writ petition with a direction to the



District Education Officer, Patna to consider the request of the petitioner in the light of the afore-noted, notification/letter discussed hereinabove and take a decision by passing a speaking order within four weeks from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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