

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1102 of 2024
In
Civil Writ Jurisdiction Case No.14319 of 2024

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Shashi Kumar Giri, aged about 51 years, male, Son of Visheshwar Dayal Giri,
Resident of Village- Godna Mathiya, P.S- Rivilganj, District- Saran at Present
R/o Mohalla- Hafiz Path Gali, North of Jail, Ahir Toil, near Bharat Milap
Chok, P.S- Bhagwan Bazaar, District- Saran.

... .. Appellant

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Saran at Chapra.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer, (Establishment), Gopalganj.
6. The District Programme Officer, Planning and Account, Gopalganj.

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Sanjay Kumar, Advocate
For the Respondents	:	Mr. S. Raza Ahmad, AAG-5
		Md. Kamil Akhtar, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 24-07-2025

The present intra court appeal is directed against
the order dated 19.09.2024 passed by a learned Single Judge
of this Court in CWJC No.14319 of 2024, whereby the said
writ petition filed by the appellant (writ petitioner) was
dismissed with a cost of Rs 2000/- for the reason of being



devoid of merit.

2. As per the facts on record, the case of the appellant was that he was appointed as clerk and joined in Govt. Sanksrit High School, Chapra on 05.07.2005 and continued there till 2023. On 06.07.2023, the appellant on transfer, submitted his joining in the office of District Education Officer, Gopalganj and was given charge of finance section without any office order and no cheque book, pass-book or cash- book was ever given to him. Further, the District Programme Officer directed the appellant to put his signature on cheque, which was again followed by same incident on 26.10.2023 when appellant was directed to sign on cheque and pressurized the appellant to sign LPC. On 27.10.2023, appellant filed an application before the District Education Officer, Gopalganj praying therein that he should not be insisted to sign any paper without any office order. On 10.11.2023, the appellant filed an application to District Education Officer, Gopalganj for sanction of medical leave as due to unauthorized work pressure he became ill and had to immediately proceed on leave. Again, on 11.11.2023, because of his grievance not being redressed, he filed an appeal before the Regional Deputy Director, Saran at Chapra against the



conduct of District Education Officer, Gopalganj. On 13.12.2023, the appellant again filed a representation (copy of which was given to all higher officer of Education Department) stating that without proper financial charge being given to him, he should not be forced to perform financial transactions, so he requested the department to give direction for handing over all financial charges to him. On the appeal of appellant, the Regional Deputy Director of Education, Saran at Chapra on 01.01.2024 by issuing letter No.13 to District Programme Officer directed him to appear on 27.01.2024 in his office. The appellant appeared in the office of the Regional Deputy Director of Education with all evidence but District Programme Officer failed to appear. Again, the District Programme Officer was directed to be present on 29.02.2024 at 01:00 P.M., where again appellant appeared though being ill but District Programme Officer again failed to appear. Again, on 31.05.2024, appellant submitted application to the Regional Deputy Director of Education, Saran with a request to dispose of his appeal for ends of justice.

3. The learned Single Judge, after considering the rival contention of the parties, dismissed the writ petition with a cost of Rs 2000/-, as the reasons stated by the writ



petitioner, on which he was seeking transfer, is untenable in law. Further, the learned Single Judge granting liberty to the writ petitioner allowed him to file a complaint against the District Programme Officer, Gopalganj, if in future, he is pressurized to sign on any instrument which he is not supposed to do.

4. Learned counsel appearing on behalf of the appellant has challenged the judgment and order dated 19.09.2024 in CWJC No.14319 of 2024 passed by a learned single judge of this court. It is submitted by the learned counsel that after the joining of the appellant in Planning and Accounts section, no charge with regard to the passbooks, checkbooks, cash etc. were given to him. Further, he referred paragraph 11 of the writ petition which reads as under:

“ that the grievance of the petitioner was not being redressed then he filed an appeal dated 11.11.2023 before the Regional Deputy Director of Education, Saran at Chapra upon the conduct of the DPO, Planning & Account, Gopalganj with regard to putting the pressure upon the petitioner for signing the documents. The petitioner has given specific date and time i.e. 11.11.2023 at 9:01am, the DPO has threatened the



petitioner for facing dire consequences if he failed to sign the cheque. At the very time the petitioner was seriously ill and was not allowed to take medical facilities properly.”

5. We have heard the learned counsel for the appellant and have also gone through the impugned order passed by the learned Single Judge.

6. The only question that arises for consideration by this Court is whether the order passed by the learned Single Judge, requires any interference.

7. The facts as regard to the transfer in the Office of the appellant to District Education Officer, Gopalganj and being pressurized to sign any instrument without duly being assigned the charge of financial transaction does not make him legally entitled for issuance of any direction or order in his favour. The contention of appellant that his legal right has been infringed, has no merit hence it is untenable in law.

8. In view of the above, we do not find any need to interfere with the order passed by the learned Single Judge.

9. Hence, finding no merit in the the present appeal, the same stands dismissed and liberty is reserved to the appellant, if so advised, that he will make representation



before the competent authority for his transfer on medical ground. It will be open for the authority concerned to consider the same in accordance with law.

10. Interlocutory application(s), if any, also stands disposed of.

(Sudhir Singh, J.)

(Ramesh Chand Malviya, J.)

Gaurav Kumar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

