

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18973 of 2025

1. Sanjiv Kumar Son of Late Braham Lal Singh, Resident of Village-Janakpur, Dinkar Ghat, Near Surya Mandir, Police Station-Moffasil, District-Gaya. At present posted and working as a Headmaster in Govt. Middle School Raghunathkhap, Block-Gurua, District-Gayaji.
2. Satyendra Kumar Ravi, Son of Late Shankar Ram, Resident of Village-Alawalpur, Police Station-Gaurichak, District-Patna. At present posted and working as a Headmaster in Govt. Urdu Middle School Khesari, Block-Gurua, District-Gayaji.
3. Subodh Kumar Mishra, Son of Late Yugal Kishor Mishra, Resident of Village-Brahman Bigha, Police Station-Bankey Bazar, District-Gayaji. At present posted and working as a Headmaster in Govt. Middle School Khutaha, Block-Gurua, District-Gayaji.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gayaji.
5. The District Education Officer cum the Chairman, District Elementary Teachers Promotion and Transfer Committee, Gayaji.
6. The District Education Officer, Gayaji.
7. The District Programme Officer (Establishment) cum the Member Secretary, District Elementary Teachers Promotion and Transfer Committee, Gayaji.
8. The District Programme Officer (Establishment), Gayaji.
9. The Block Education Officer, Gurua, District-Gayaji.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.
For the State : Mrs. Puspanjali Sharma, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 24-11-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The instant writ petition has been filed by the



petitioners for the following reliefs:-

“1. (I) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent District Teachers Promotion and Transfer Committee, Gayaji headed by the District Education Officer -cum- the Chairman, District Elementary Teachers Promotion and Transfer Committee, Gayaji and the District Programme Officer (Establishment)-cum- the Member Secretary. District Elementary Teachers Promotion and Transfer Committee, Gayaji to consider and transfer the petitioners as per Rule 3 read with Rule 5 (Kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion), Rule, 2018 (hereinafter referred as "the Rule 2018") as per the 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 convene the meeting and 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 petitioners by transferring the petitioners in the schools, for which, they have exercised their options, which is duly received by the authorities concerned

(III) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider and redress the genuine grievances of the petitioners for their transfer in the schools, for



which, they have given their options, as petitioners have narrated all the facts and circumstances, under which, they are entitled to be considered for their transfer in the schools against the vacant post of Headmasters, for which the petitioners have exercised their options, so that they might be able to impart their duty in free atmosphere.

(IV) For issuance of an appropriate writ as an alternative prayer of the petitioners for commanding and directing the respondent authorities concerned to dispose of the representations of the petitioners by reasoned and speaking order by ventilating their genuine grievances of transfer in the schools for which they have filed their application keeping in view their health conditions, as till date, the same has not been considered by the respondent authorities even though there are sanctioned and vacant post of Headmasters in the school, for which, they have exercised their options.

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

3. Learned counsel for the petitioners submits that this case is squarely covered by the Judgment rendered by a Coordinate Bench of this Court vide order dated 23.09.2019, passed in C.W.J.C. No. 19400 of 2019 (Chandramani Kumar & Ors. Vrs. The State of Bihar & Ors.), by which the case of



similarly situated persons are directed to be considered by passing the following orders:-

“Without entering into the merit, the present writ application is disposed of with a direction to the District Programme Officer (Establishment), Gaya to consider the case of the petitioners for transfer in terms of Rule 3 read with Rule 5 (Kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion), Rules, 2018 at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order.”

4. On the other hand, learned counsel for the State does not dispute the fact and submits that this case may be directed to be considered in the light of the aforesaid Judgment and if the case of these petitioners are squarely covered then same may be adjudicated in similar terms for which appropriate direction can be issued.

5. Considering aforesaid, this case is directed to be considered by the District Education Officer, Gayaji, (respondent no. -6), in the light of the aforesaid Judgment and if the case of these petitioners are found covered by the said Judgment, then necessary orders, in similar terms, may be passed and benefits, which are allowed to those petitioners, shall also be extended in favour of these petitioner, for which fresh representations shall be filed by the petitioners individually, in continuation with the earlier representations, which is appended



with the writ petition as Annexures-P/3 to P/6 with supportive materials, within a period of four weeks from today and on submissions of such representations within a period of six weeks the same shall be considered in similar terms.

6. The instant writ petition stands disposed of.

(Ajit Kumar, J)

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