

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20214 of 2025

Kiran Kumari D/O Late Baldeo Yadav, R/O Quarter No. 44/84, New C.I.D. Collony, Lal Bahadur Shastri Nagar, Patna, P.S. Shastri Nagar, District- Patna, PIN-800023. At Present R/O - Village- Gopalpur P.S.- Gopalpur, Animal Crematoriyam, Bairiya, Ramchak, Damping Yard, Bairiya, Post- Bairiya, District and Town- Patna, State- Bihar, PIN-800007. At Present posted - on the post of Vidyalay Adhyapak (01-05) in UMS School, Kelbari, Block and BRC-Bithan, CRC- Sihma. District -Samastipur, PIN- 848207.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Secretary Primary Education, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Collector of Samastipur, Bihar.
5. The District Education Officer, Samastipur, Shiksha Bhawan, Samastipur, Gangapur Hatt Road, Near Tirhut Academy Campus, Veer Kunwar Singh Colony, Kashipur, Samastipur, Bihar, PIN-848101.
6. The District Program officer Establishment Education Department, Samastipur, Shiksha Bhawan, Samastipur, Gangapur Hatt Road, Near Tirhut Academy Campus, Veer Kunwar Singh Colony, Kashipur, Samastipur, Bihar, PIN-848101.
7. The Block Education Officer, Bithan, Block- Bithan, District-Samastipur, Bihar, PIN-848207.
8. The Head Master of Utkramit Middle School (UMS) Kelbari, BRC- Bithan, P.S.-Bithan, Block-Bithan, District -Samastipur, Bihar, PIN-848207.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Jha, Adv.
For the Respondent/s	:	Mr.Additional Advocate General (4)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 16-12-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The instant writ petition has been filed for the



following reliefs:-

“i. For issuance of appropriate writ order or directions to the concerned respondent authority to consider the transfer of petitioner from the Utkramit Middle School (UMS) Kalbari, BRC Bithan, District-Samastipur to her home district at Patna at nearest distance of her present residential home, in light of Notification issued by the Education Department, Govt. of Bihar, Vide (Annexure-P -5 and 6 as well as the Natural Justice.

ii. For issuance of an appropriate writ, order/orders, direction or directions in nature of Mandamus directing and commanding the concerned respondent authorities to consider the Home district transfer of petitioner on the ground of her long distance from her home district and medical unfit due to her major Road accident on 09.11.2024 when petitioner was returning to her rented resident at Hasanpur, District- Samastipur from her school UMS Kelbari, Bithan, Samastipur, at evening.

iii. For that petitioner pray to this Hon'ble High Court to kindly pass such order/direction to the concerned respondent authority to make her transfer at Middle School Manoharpur, Kachuaara, Shampatchak, nearest of her Nagar Parishad resisdant in Patna.

iv. For issuance of any other relief or relies to which the petitioner found entitled to, in the larger interest of justice.”

3. Learned counsel for the petitioner submits that the



petitioner was appointed on the post of Vidyalay Adhyapak for Class- 1 to 5, pursuant to the Advertisement No. 26/2023, which was conducted by the Bihar Public Service Commission on 24.08.2023 and 25.08.2023, and on finding her candidature to fall within the parameters prescribed, the petitioner was declared successful and was appointment as Headmaster of Utkramit Middle School, Kalbari, Bithan, Samastipur, where the petitioner submitted her joining.

4. The petitioner has sought transfer by submitting an application through E-Shiksha Kosh within the time stipulated on special ground and the documents pertaining to the medical exigencies were also brought to the notice of the authorities and similar documents, which are said to have been placed for consideration by the authority, has also been appended with the writ petition as Annexure-P/8.

5. It has next been submitted by the learned counsel for the petitioner that the various complications after surgery and discharge from the hospital had arisen owing to degloving injury of left thigh having been diagnosed and she had to undergo surgery of her thigh, and in order to carry out the duties, the petitioner had submitted an application for transfer in the office of the District Education Officer and District



Programme Officer, Department of Education, Samastipur and options were also given in the said application submitted for consideration of her transfer.

6. Learned counsel for the petitioner by referring to Annexure-P/8, which is the medical prescription including the other relevant documents submits that during such span of time, the petitioner after surgical intervention has found herself in a position to walk and therefore, sought a transfer to a nearest place, which places are already indicated in the representation, which is appended with the writ petition as Annexure-P/11, at page-52, which the authorities are required to consider the case of transfer in terms of policies. The reference of departmental guidelines issued vide letter no. 2048, dated 21.11.2024, in relation to the transfer can be gathered from the order dated 30.03.2025, passed by the Department of Education, the detailed guideline is also stipulated in the said order (appended as Annexure-P/5).

7. On the other hand, learned counsel representing State by taking this Court to Annexure-P/12 submits that the representation, which is said to have been filed vide transfer application no. TRI, 24102584, is already rejected and the petitioner has been requested to re-apply by selecting another



set of three Districts preferences on E- Shikshakosh portal-BEPC, Bihar Government.

8. Having heard the parties, this Court on consideration of entire materials placed on record finds that the stipulation made in the system generated document, appended as Annexure-P/12, does not indicate the consideration of the ground for which the transfer was sought by the petitioner.

9. Considering the aforesaid, this Court in order to allow the petitioner to get her issues addressed by the authorities in terms of the policies framed, the so called system generated rejection order, appended with the writ petition as Annexure-12, which does not indicate any consideration, is hereby set aside and the authorities are directed to consider the representation dated 17.11.2025, which would be filed by the petitioner by resorting to the procedure prescribed and as also supported with the materials for consideration in terms of the policies, within a period of four weeks from today.

10. It is expected that on filing of such representation before the Director, Primary Education, Government of Bihar, Patna, the same shall be decided within a further period of six weeks and the necessary order shall be communicated to the petitioner.



11. Accordingly, the instant writ petition stands
allowed.

(Ajit Kumar, J)

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