

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6524 of 2021

=====

Rohit Kumar Son of Ramjeet Mall Resident of Ward No. 37, New Colony
Dak Banglow Road, Police Station- Bettiah Sadar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
New Secretariat, Patna.
2. Director (Primary) Education, Education Department, New Secretariat,
Patna.
3. District Education Officer, West Champaran, Bettiah.
4. District Programme Officer (Establishment) Education Department, District-
West Champaran.
5. Akhtan Begum Wife of Allaudin Miyan at Presently working as Panchayat
Teacher in Govt. Primary School, Bahuarwa Padari, Bagaha-1, District-
West Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey (AAG-15)

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

9 13-01-2026

Re : Interlocutory Application No.01 of 2021

The proposed relief sought in the Interlocutory Application is being taken along with the main relief for its adjudication and this Court proceeds to adjudicate the writ petition on merits with the disposal of the Interlocutory Application, by which the cancellation of his adjustment which is said to have been made by the authorities, has now become the subject matter of challenge, this Court now proceeds to adjudicate the claim of this petitioner on merits by including the additional relief proposed in the Interlocutory Application along



with the main relief and accordingly, the relief sought in the writ petition is being adjudicated in the following manner.

Re : C.W.J.C. No.6524 of 2021

Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ petition has been filed for the following reliefs :-

“For issuance for an appropriate writ/writs, order/orders, direction/directions, for quashing the Letter No.72 dated 18.01.2021 whereby and whereunder the Respondent No.2 has recalled his own decision dated 10.11.2020 contained in Letter No.960 which is contrary to statutory provisions as well as Government decisions and for other necessary relief/reliefs on the basis of facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the adjustment, which is said to have been made in the GPS School, Bahuarwa, Padaree, vide Letter No.06 dated 10.11.2016, has been cancelled without giving proper hearing and the modification in the ratio sought for applying the principles of rationalization, is also not in conformity with the Rule 25 of the R.T.E. Act, 2009 and R.T.E Rules 2011.

4. On the other hand, learned counsel for the respondent No.5 submits that the posting of this petitioner was



done in the light of the report dated 30.09.2020, which is contained in Letter No.830 annexed as Annexure-R5/B.

5. Learned counsel for the State does not dispute the factual position, by referring to the impugned order, submits that while issuing the cancellation order of adjustment made with regard to this petitioner in the School in question, the petitioner was admittedly not heard, and this matter may be remanded for fresh adjudication / consideration.

6. Be that as it may, from the order impugned dated 18.01.2021, it is quite evident that the cancellation of his adjustment made on the basis of 30:1 ratio, which subsequently is said to have been modified but admittedly, this petitioner was not given proper hearing and since, there is violation of principles of natural justice, insofar as the adjustment, which is said to have been cancelled and the petitioner on the basis of such adjustment was continuing in the said school, where respondent No.5 is said to have been allowed to continue, therefore, the order impugned dated 18.01.2021 is unsustainable and accordingly, is set aside.

7. The respondent No.2, Director, Primary Education, Education Department, New Secretariat, Patna, would be obliged to give a proper hearing to the petitioner as well as



respondent No.5 in terms of the applicable principles formulated for posting on the basis of rationalization, which is adopted by the Department as a matter of transfer and posting, to be framed in consonance with the Right to Education Act, 2009 and R.T.E. Rules 2011 and upon giving proper hearing to the petitioner as well as respondent No.5, necessary orders shall be passed in accordance with law within a period of eight weeks from the date of representation, which shall be made within four weeks from today and the same shall be communicated to both the parties, within the same time.

8. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

sharun/-

U			
---	--	--	--

