

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.3647 of 2026**

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Indu Bhushan Lal Son of Late Baljeet Prasad, Resident of village- New Khajasarai, Police Station- Loaheriasarai, District- Darbhanga, At present posted and working as a Headmaster in Upgraded High School Saho, Anchal-Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate  
For the Respondent/s : Mr.Addl. Advocate General 04

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

2      24-03-2026      Heard the learned counsel for the petitioner and the  
learned counsel for the respondent-State.



2. With the consent of the parties, this writ application is being disposed of at this stage itself.

3. In the present writ application, the petitioner has prayed for grant of the following reliefs:-

*“For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities i.e. the District Teachers Promotion and Transfer Committee, Darbhanga headed by the District Education Officer -cum- the Chairman, District Elementary Teachers Promotion and Transfer Committee, Darbhanga and the District Programme Officer (Establishment) -cum- the Member Secretary, District Elementary Teachers Promotion and Transfer Committee, Darbhanga to consider the case of the petitioner for his transfer as per Rule 3 read with Rule 5 (Kha) of Bihar Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion), Rule, 2018, in one of the three schools, namely, Govt. Adarsh Middle School Laheriasarai, Anchal – Darbhanga Nagar, District – Darbhanga, Govt. Middle School Panda Sarai, Anchal – Darbhanga Nagar, District- Darbhanga or Govt. Middle School Kali Asthan, Anchal – Darbhanga Nagar, District – Darbhanga, where the post of Headmaster is sanctioned and vacant, on the ground of safety of his life and property, as*



*earlier due to an occurrence in the school an F.I.R. was lodged vide SC/ST P.S. Case No. 49/2023 on 17.07.2023 (District-Darbhanga) against one of the teachers, namely, Kamaluddin Khan and the petitioner thereafter has been kept on deputation in Govt. Upgraded Middle School Chichaul, Anchal - Hanumannagar, District – Darbhanga and he has been discharging his duties on deputation for last two and half years and in spite of repeated requests and representations, no action has been taken by the respondent authorities concerned for his transfer in any one of the schools for which, the petitioner has exercised his options.*

*II. For issuance of an appropriate writ in the nature of mandamus for commanding directing the respondent authorities concerned to sympathetically consider and redress the genuine grievances of the petitioner for his transfer in anyone of the three schools, namely, Govt. Adarsh Middle School Laheriasarai, Anchal – Darbhanga Nagar, District – Darbhanga, Govt. Middle School Panda Sarai, Anchal – Darbhanga Nagar, District- Darbhanga or Govt. Middle School Kali Asthan, Anchal – Darbhanga Nagar, District – Darbhanga, as the petitioner has been discharging his duties on deputation for last more than two and half years.*

*III. For issuance of an appropriate writ in the nature of mandamus as an alternative prayer of*



*the petitioner for directing the respondent authorities concerned to dispose of the representations of the petitioner by reasoned and speaking order by ventilating the genuine grievances of the petitioner for his transfer in anyone of the three schools referred above.*

*IV. For Issuance of any other appropriate writ/writs, order/orders, direction/directions, for which the writ petitioner will be found entitled in the facts and circumstances of the case.”*

4. The learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the judgment by a coordinate Bench of this Court, vide order dated 23.09.2019, passed in **CWJC No. 19400 of 2019 (Chandramani Kumar & Ors. Vrs. State of Bihar & Ors.)**, by which the case of similarly situated persons were directed to be considered by passing the following order:-

*“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.”*

5. On the other hand, the learned counsel for the respondent-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 the petitioner is found to be covered by the aforesaid judgment, then the same may be adjudicated in similar terms, for which appropriate direction can be issued.

6. Considering the aforesaid, this case is directed to be considered by the District Teachers Promotion and Transfer Committee, Darbhanga (respondent no.6) and the District Programme Officer (Establishment), Darbhanga (respondent no.7), in the light of the aforesaid judgment, and if the case of the petitioner is found covered by the said judgment, then necessary order, in similar terms, may be passed and benefits, which are allowed to those petitioners, shall also be extended in favour of the present petitioner, for which fresh representation shall be filed by the petitioner, in continuation with the earlier representation(s), which are appended with this writ petition as Annexures P/5, P/6, P/7, P/9, P/10, P/11, P/12, P/14, P/15, P/16, P/17 and P/18 respectively, within a period of four weeks from today, and on submission of such representation within a



period of six weeks, the same shall be considered in similar terms.

7. With the aforesaid observation/direction and liberty granted, the present writ application stands disposed of.

8. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

**(Alok Kumar Sinha, J)**

HR/-

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