

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7999 of 2026

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Anisha Bharti Wife of Chandra Prakash, Resident of Mohalla- Purani Bazar,
P.O. and P.S. and District -Nawada, Bihar 805110, at present Ward No.-29,
Azad Path Gali No.-2, Chandmari Road, Kankarbagh, P.O.- Lohia Nagar,
District- Patna, Bihar - 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through The Additional Chief Secretary -cum- Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Vaishali at Hajipur.
6. The District Programme Officer (Establishment), Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Muskan Singh, Adv.
For the Respondent/s : Mr. Addl. Advocate General (09)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-07-2026 Heard Mrs. Muskan Singh, learned counsel for the
petitioner and learned AAG-9 appearing for the State.

2. The petitioner was initially appointed as a Primary Teacher in Nawada district and was posted at Nawada Abhyas School, where she joined her duties on 01.01.2015. Thereafter, in the year 2026, she was transferred and posted at UMS-Bishnupur, Saidali, under Bidupur Block in the district of Vaishali.

3. It is the case of the petitioner that pursuant to the request made by the Education Department, she had exercised her option for posting in a nearby district; however, the same



has not been considered. The school to which she has been transferred is situated in a flood-prone area and is approximately 40 kilometres away from her hometown.

4. Learned counsel for the petitioner submits that the petitioner is a lady teacher, her mother-in-law is suffering from chronic heart disease, and she has a seven-year-old child who requires constant care. In the absence of any other family member to look after the child, the petitioner is facing serious hardship on account of the impugned transfer. In support of her submissions, learned counsel has drawn the attention of this Court to the guidelines issued by the Education Department, Government of Bihar, governing the transfer and posting of regular teachers. It is submitted that the said guidelines contemplate that, as far as practicable, women teachers should be posted either at their hometown or at the place where their husband is employed. The impugned transfer has been effected in disregard of the aforesaid guidelines.

5. *Per contra*, learned counsel appearing for the State submits that transfer and posting are matters falling within the administrative domain and policy discretion of the State Government, and the authorities are required to act strictly in accordance with the applicable policy. It is, however, submitted that upon enforcement of the proposed comprehensive transfer



policy, the case of the petitioner, along with those of other similarly situated employees, shall be considered strictly in accordance with the provisions contained therein, subject to fulfilment of the prescribed conditions and availability of vacancies.

6. Having considered the submissions advanced on behalf of the parties and upon perusal of the materials available on record, this Court deems it appropriate to direct the petitioner to file a detailed representation, enclosing all relevant documents as well as a copy of the applicable guidelines, before respondent no. 2 within a period of two weeks.

7. In the event such a representation is filed within the stipulated period, respondent no. 2 shall consider and dispose of the same by passing a reasoned and speaking order, keeping in view the applicable guidelines and the rules governing the transfer and posting of teachers, preferably within a period of four weeks from the date of receipt of the representation.

8. With the aforesaid observations and directions, the writ petition stands disposed of.

(Harish Kumar, J)

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