

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8329 of 2026

Amrita Sinha D/o Anjani Kumar Sinha, Resident of Malti Sadan, New Chandpur Bela, Shivpath (Dupulwa), P.O.- G.P.O., P.S.- Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Patna.
4. The District Magistrate, Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer (Establishment), Patna.
7. The District Establishment Committee through the Chairman, District Magistrate, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhinay Raj, Adv.
For the Respondent/s : Mr.Addl. Advocate General (05)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-07-2026 This writ application has been filed by the petitioner praying for issuance of an appropriate writ directing the respondent authorities to take a final decision on Grievance Application bearing Grievance No. 25082629070 dated 26.08.2025 (Annexure P/11) and Grievance No. 25063014542 dated 30.06.2025 (Annexure P/10).

2. The short facts of the case are that the Department of Education came up with advertisement for appointment of Government Teachers in the State under Advertisement No.



26/2023, popularly known as TRE-1, Examination, conducted by the BPSC. The advertisement clearly stipulated that the posting of the selected teachers would be made on merit-cum-choice basis.

3. The petitioner, having all the requisite qualifications, made an application for selection on the post of Government Teacher for the subject Botany. While submitting the application form, the candidates were required to give three choices of districts for their posting on merit-cum-choice basis. The petitioner is said to have applied under the EBC category and qualified for the subject Botany, Class (11–12).

4. Consequently, by Letter No. 2628975 dated 20.10.2023, the petitioner was issued a letter for Counselling-cum-Orientation, which has been brought on record by way of Annexure-P/2. It is further stated that the petitioner appeared for the Counselling-cum-Orientation and was declared successful. Under Letter No. 7396103 dated 02.11.2023, a provisional appointment letter was issued to the petitioner for School Teacher (Class 11–12), subject Botany. The provisional appointment letter has been brought on record by way of Annexure-P/3. Further, under Letter No. 7225059 dated 14.11.2023, school allotment letter was issued and the petitioner



was posted at Manbharna High Bara School, within Bihiya, in the district of Bhojpur. This communication has been brought on record by way of Annexure-P/4. In furtherance of the posting letter, the department is said to have issued a pre-formatted joining letter, whereunder the petitioner joined the allotted school on 06.01.2024. The joining has been brought on record by way of Annexure-P/5.

5. It is further stated by learned counsel for the petitioner that in the meantime, the Education Department, considering the fact that the teachers were facing hardship due to their posting at faraway places, came out with a policy to transfer teachers to a nearby location of their place of residence. The said policy is contained in Memo No. 1729 dated 07.10.2024, which has been brought on record by way of Annexure-P/6. Under the said policy, different criteria have been laid down for transfer, which include personal illness with incurable diseases, illness of husband or children with incurable diseases, and also the criteria of different places of posting of husband and wife, and on the ground of distance from the desired place of posting.

6. It is further submitted that the petitioner, in compliance with the said policy, applied for transfer to Patna



district on the ground that her husband was working as a State Government employee, i.e., Headmaster in Utkramit Madhyamik Vidyalay, Kurkuri, Phulwari Sharif. The petitioner submitted her application for transfer dated 08.12.2024 (Annexure-P/7) on the E-Shiksha Kosh portal.

7. It is submitted that, as a matter of fact, the posting of the petitioner at Bihiya, Bhojpur was about 85 k.m. from her choice of posting and, therefore, distance was also one of the reasons for seeking the transfer.

8. After considerable delay, the respondent authorities acted upon the transfer application and by Letter No. 868 dated 24.03.2025 (Annexure-P/8), the petitioner was transferred to Patna district. Thereafter, by Letter No. 02179 dated 19.06.2025 (Annexure-P/8/A), the petitioner was posted at Uchch Madhyamik Vidalaya Rampur, Nagma, within Block-Paliganj, District-Patna. The petitioner accordingly joined in the transferred school.

9. It is submitted by learned counsel for the petitioner that though the petitioner had given different choices of posting in her transfer application but none of them was allotted. Although the petitioner was transferred to Patna district, but again the reason for seeking the transfer was that her husband



was posted at Phulwari Sharif, Patna, whereas her present place of posting was still more than 60 k.m. away.

10. It is on account of these reasons that the petitioner was compelled to raise her grievance on the E-Shiksha Kosh portal vide Grievance No. 25063014542 dated 30.06.2025 (Annexure-P/10) and when no action was taken on the said grievance, the petitioner had to subsequently again raise her grievance on the same portal under Grievance No. 25082629070 dated 26.08.2025 (Annexure-P/11).

11. It is in the aforesaid facts and circumstances that learned counsel for the petitioner submits that the petitioner would be satisfied if the District Education Officer, Patna (Respondent No. 5) could be directed to consider both the grievances raised by the petitioner and to take a final decision on the same within a fixed period of time, after giving an opportunity of hearing to the petitioner.

12. To the aforesaid submission made by learned counsel for the petitioner, learned counsel appearing for the respondent-State does not have any objection.

13. At this stage, it is informed by learned counsel appearing for respondent-State that under the new rule namely Bihar State Teachers Transfer Rules, 2026, which has been



notified on 25.06.2026, it is “District Establishment Committee”, who is empowered to take decision with regard to subject matter of transfer and therefore, if any direction is to be given, it must be issued to the District Establishment Committee.

14. In view of the new Rules, i.e., Bihar State Teachers Transfer Rules, 2026, the petitioner is permitted to add the District Establishment Committee through the Chairman, District Magistrate, Patna as party-respondent in this case during the course of the day, who is already represented by learned counsel for the respondent-State.

15. Considering the formal nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of directing the District Establishment Committee through the Chairman, District Magistrate, Patna to take a final decision on the pending grievances of the petitioner vide Grievance No. 25063014542 dated 30.06.2025 (Annexure P/10) and Grievance No. 25082629070 dated 26.08.2025 (Annexure P/11) within one month from the date of receipt/production of a copy of this order, after giving an opportunity of hearing to the petitioner.

16. It is further made clear that in case, the petitioner



is found entitled to the relief which the petitioner is claiming through the pending grievance application, then the same should be extended to the petitioner within a further period of 15 days.

17. With the aforesaid observation and direction, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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