
(2017) 03 PAT CK 0006

In the Patna High Court

Case No : 3040 of 2017

Manoj Kumar

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 06-03-2017

Acts Referred:

[Bihar Panchayat Elementary Teacher \(Employment and Service Conditions\) Rule, 2012](#), Rule 15

Citation : (2017) 03 PAT CK 0006

Hon'ble Judges : Dr. Ravi Ranjan

Bench : SINGLE BENCH

Advocate : Girjanand Prasad, Arun Kumar Lal, Karn Satish Kumar, P.N.Sharma

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioner and the State.
2. Petitioner who is Panchayat Teacher assails Annexure 13 which is office orders issued by the Secretary, Block Employment Unit - cum - Block Development Officer, Bokhara by which he has been transferred from Middle School, Gorhaul Yadav Tol to Middle School Goglak Tol.
3. It is contended that according to Rule 15(Ang:) of Bihar Panchayat Elementary Teacher (Employment and Service Conditions) Rule, 2012 ordinarily the Primary Teacher cannot be transferred.
4. However, according to Rule 15(Ang:) (iv) the teachers can be adjusted and transferred, which is quoted as under:

"VERNACULAR MATTER OMITTED"

5. However, it does not appear from Annexure 13 that the transfer has been taken under such compulsion, rather it is contended on behalf of the State that there was quarrel between two teachers, therefore, both have been transferred.
6. Be that as it may, since there is no scope of the transfer under the aforesaid Rule the order cannot be sustained in law.
7. Accordingly, the same is quashed and set aside. The petitioner would remain at Middle School, Gorhaul Yadav Tol.
8. However, if any indiscipline has been shown by this teacher then the competent authority would be at liberty to proceed in accordance with law.
9. As a result this writ petition stands allowed in terms of the aforesaid.