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**(2021) 05 PAT CK 0022**

**In the Patna High Court**

**Case No :** Civil Writ Jurisdiction Case No. 8308 Of 2021

Md. Monazir Ahmed And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision :** 04-05-2021

**Acts Referred:**

**Citation :** (2021) 05 PAT CK 0022

**Hon'ble Judges :** Vikash Jain, J

**Bench :** Single Bench

**Advocate :** Sunil Kumar, Amit Bhushan

**Final Decision :** Disposed Of

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## **Judgement**

1. Heard learned counsel for the petitioners and learned counsel for the respondents through video conference. Learned counsel for the petitioners has filed an undertaking that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court

with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any

event within one month thereof.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioners--

(i) To direct the respondents to consider the case of the petitioners for their transfer as per Rule 3 read with Rule 5(kha) of Bihar

Nationalized Elementary teacher Transfer (Disciplinary action and promotion) Rule, 2018 (hereinafter referred in short Rule, 2018) as per

the option of transfer granted to the teachers.

(ii) Also to direct the respondents to transfer the petitioners as per their option

given by them in pursuance to Rule-3 read with Rule 5 (kha) of the Rule, 2018.

(iii) Also for any other relief/reliefs for which the petitioners are found to be entitled in the eye of law.

3. It is submitted on behalf of the petitioners that despite having exercised their option for transfer (Annexure 3 series) in view of Rule 5(kha) of Bihar

Nationalized Elementary Teacher Transfer (Disciplinary Action and Promotion) Rules, 2018, their requests have not yet been acceded to. Learned

counsel for the petitioners relies on an order of this Court dated 30.08.2019 passed in CWJC No. 17570 of 2019 (Shashikant Kumar and others Vs.

The State of Bihar and others) and other analogous cases (Annexure-4).

4. Learned counsel for the State appears and has been heard.

5. Having regard to the nature of the grievance of the petitioners, the writ petition is disposed of, granting liberty to the petitioners to file appropriate

representations afresh before the District Programme Officer (Estb) (respondent No. 6) within a period of four weeks from today. If any such

representation is filed, the same shall be considered and disposed of in accordance with law after grant of an opportunity of hearing to the petitioners,

within a further period of eight weeks thereafter. To facilitate disposal, the petitioners shall furnish their mobile numbers and email IDs to the

respondent no. 6 within a week from today.

6. It is made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and the

petitioners shall be at liberty to request for hearing through video conference.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the

stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.