
(2006) 09 PAT CK 0088

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 6690 of 2006

Purushottam Das Rastogi

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 12-09-2006

Acts Referred:

Citation : (2006) 4 PLJR 295

Hon'ble Judges : Aftab Alam, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Aftab Alam, J.—Heard Mr. Tej Bahadur Singh, Counsel for the petitioner, the J.C. to G.A. III representing the State and Mr. Nandlal Kumar Singh, Counsel appearing for respondent No. 5.

2. This writ petition is filed by the President of the Managing Committee of Narayani Girls High School. Patna City challenging the transfer order issued by the Director, Secondary Education (Annexure-1) by which respondent No. 5 has been posted as an Assistant Teacher in that school. The posting of respondent No. 5 in the school is resisted on the ground that she earlier transferred from there on administrative grounds vide order dated 10.09.2004 (Annexure-7) and her re-postin there will vitiate the academic atmosphere of the school.

3. From the counter affidavits filed on behalf of the State and respondent No. 5, it appears that respondent No. 5 was earlier posted as Assistant Teacher in Narayani Girls High School. Patna City. On 13.06.2003. a public notice was issued by which all Assistant Teachers working in different, secondary schools were transferred to the respective schools where they were posted at the time of their initial appointment. In pursuance of the notification, the petitioner was relieved from Naravani Girls High School. Patna City. Later, a large number of writ petitions were filed in the High Court challenging the provision under which the mass transfer order was issued.

4. Respondent. No. 5 too came to this Court in C.W.J.C. No. 5607 of 2003 challenging her transfer(s) from Narayani Girls High School, Patna City and her consequent relieving from the school. The writ petition was finally allowed after which the petitioner and another teacher of that school went there to submit their joining. The Headmistress of the school did not accept their joining which led to the filing of a representation before the departmental authorities and eventually a contempt petition before this Court being M.I.C. No. 1728 of 2003. It was after the filing of the aforesaid contempt case that respondent No. 5 was transferred to the. Fatuha School on the direction of the Minister allegedly at the instance of the Headmistress. She later made a representation before the Minister on which her transfer to the Fatuha School was stayed and according to the counter affidavit filed on behalf of the State, on further verification it was deemed fit to cancel the transfer order to Fatuha. In those circumstances, the impugned order was issued posting her back at Narayani Girls High School, Patna City.

5. On hearing counsel for the parties and on going through the writ petition and the counter affidavits, I am satisfied that there is no case for any interference by this Court. This writ petition is dismissed.