

(2025) 09 PAT CK 0768

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.558 of 2024

Rakesh Kumar Thakur

APPELLANT

Vs

State Of Bihar and Ors

RESPONDENT

Date of Decision : 08-09-2025

Acts Referred:

Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Conditions) Rules, 2020 — Rule 15(iii)

Citation : (2025) 09 PAT CK 0768

Hon'ble Judges : Harish Kumar, J

Bench : Single Bench

Advocate : Chandrashekhar Singh

Final Decision : Dismissed

Judgement

Harish Kumar, J

1. None appears on behalf of the petitioner.
2. Learned Advocate for the State, Mr. Chandrashekhar Singh is present.
3. In the case in hand, the challenge is made to the office order bearing Memo No. 1718 dated 17.09.2022 passed by the respondent No. 3, the Regional Deputy Director of Education, Darbhanga Division, Darbhanga, whereby the transfer order issued by the respondent No. 10 in terms of Rule 15(iii) of Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Conditions) Rules, 2020, transferring the private respondent No. 11 from Primary School Narkatiya, Mushahari to Primary School Nayatol Kansi Sadar Darbhanga, with a further direction to hand over the charge of the school to the senior most teacher i.e., the petitioner, has been stayed without any justification.
4. Learned Advocate for the State submitted that against the order of transfer dated 27.08.2022, issued by the concerned Panchayat Secretary, an appeal was

preferred before the Regional Deputy Director of Education, Darbhanga Division, Darbhanga. Having considered the matter, the Regional Deputy Director of Education, Darbhanga Division, Darbhanga stayed the order of transfer of the respondent No. 11 and constituted a Two-Members Committee to enquire into the matter. The Two-Members Committee submitted its report to the Regional Deputy Director of Education, Darbhanga Division, Darbhanga, whereby vide letter No. 806 dated 15.07.2023, the Regional Deputy Director of Education, Darbhanga Division, Darbhanga directed the District Education Officer, Darbhanga for further action in the light of the enquiry report submitted by the Two Members Committee.

5. Referring to the averments made in the counter affidavit, it is submitted that apart from the fact the petitioner has no locus standi to assail the order of transfer of private respondent No. 11, the impugned order has already been stayed by the Regional Deputy Director of Education, Darbhanga Division, Darbhanga and further action is directed to be taken based upon the enquiry report of the Two-Members Committee.

6. This Court having gone through the relief sought for by the writ petitioner and the response made in the counter affidavit, finds no cogent grounds to entertain the present writ petition, in absence of any local standi of the petitioner to challenge the transfer order issued in favour of the private respondent No. 11, besides other reasons disclosed in the counter affidavit. Accordingly, the writ petition stands dismissed.