

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 3870 of 2015

Subhash Chandra Mahato

Versus

1. State of Jharkhand through Director, Primary Education

2. Deputy Commissioner-cum-Chairman, District Education  
Establishment Committee, Saraikela-Kharsawan

3. District Superintendent of Education, Saraikela-Kharsawan --- Respondents

CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh

For the Petitioner: Mr. Amarendra Pradhan, Advocate

For the State: Mr. Atanu Banerjee, GA

02/ 31.08.2015 Heard counsel for the parties.

2. Petitioner has been transferred by the impugned Office Order dated 22.07.2015 bearing Memo No. 1517 (Annexure-1) issued by the District Superintendent of Education, Saraikela-Kharsawan (Respondent No. 3) from Middle School (Boys), Chandil to Up-graded Middle School, Jenalong Badedih at Kuchai. He has reportedly been relieved by Annexure-2 Office Order dated 29.07.2015 to join at the transferred place. The impugned order says that for striking proportionate balance of Teacher - Pupil Ratio in the primary schools within the District in terms of the directions of the Commissioner, Kolhan Division, Chaibasa, the District Education Establishment Committee has posted one or the other teachers including the petitioner from one school to another for administrative reasons and in public interest.

3. The same is challenged by the petitioner who admittedly has been serving in the same school since his appointment in 1994 on the ground that Teacher-Pupil Ratio should not be applied to effect transfer of a person like him as it is in contravention of the Government orders, some of them are referred to in Para-2 of the writ application. It is also submitted that other teachers junior to him, should have been sent for such posting. The third ground urged on his behalf is that his wife namely, Minu Kumari is also serving teacher at Up-graded Middle School, Chandil having been appointed there in January 2015. Petitioner has also urged that he is the Secretary of the Jharkhand State Primary Teachers Union, though

such document has not been annexed to the writ petition.

4. Learned Government Advocate submits that the order of transfer is in interest of teaching in the primary schools within the district keeping into account a fair Teacher-Pupil Ratio as per the mandate of Right of Children to Free and Compulsory Education Act, 2009. Petitioner has remained for more than twenty years at one place and should not have any grievance on that account as the decision is based upon the District Level Committee and upon the directions of the Commissioner, Kolhan Division, Chaibasa.

5. Having considered the grounds and reply urged on behalf of the parties in the aforesaid factual matrix of the case, this Court does not find any reason to interfere in the order of transfer of the petitioner issued in public interest and for the aforesaid administrative reasons, more so when the petitioner has remained at the same place since his appointment in 1994. The writ petition is accordingly dismissed.

(Aparesh Kumar Singh, J)

Ranjeet/