

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (S) No. 5861 of 2013

Ram Ruchi Singh son of Late Maharaj Singh,
resident of Pirra Ratu, PO & PS Ratu, District Ranchi,
Jharkhand Petitioner

Versus

- 1.The State of Jharkhand
- 2.The Secretary, HRD Department, at Project Building,
PO & PS Dhurwa, Distt. Ranchi
- 3.The Director, Secondary Education, HRD Department,
at Project Building, PO & PS Dhurwa, Distt. Ranchi
- 4.The Regional Deputy Director of Education, Palamau,
At, PO & PS Palamau, Distt. Palamau, Jharkhand
- 5.The District Education Officer, Palamau, At, PO & PS
Palamau, Distt. Palamau, Jharkhand Respondents

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Abhijeet Kumar Singh, Advocate
For the Respondents : Mrs. Rakhi Rani, J.C. to Sr.S.C. II

6/31.03.2015 Heard Mr. Abhijeet Kumar Singh, learned counsel for the petitioner and Mrs. Rakhi Rani, learned J.C. to Sr. S. C. II.

2. In this application, the petitioner has prayed for quashing the order as contained in Memo No. 1731 dated 29.06.2012 by which the petitioner has been transferred from the post of Headmaster, Rajkiyakrit Baksi High School, Hussainabad, Palamau to Rajkiyakrit Damin High School, Kusuma Barhait, Sahibganj. The petitioner in the alternative has further prayed for a direction upon respondents to give an appropriate posting pursuant to the representation of the petitioner whereby the petitioner has prayed for posting in the district of Ranchi in view of the illness of his wife. The petitioner has further prayed for making payment of his salary which has been withheld without any reason by the respondent authorities.

3. The petitioner was appointed on the post of Assistant Teacher on 03.09.1983. On 26.05.2009, the petitioner was promoted on the post of Headmaster and posted at Bakshi High School, Hussainabad. Vide Memo No. 146 dated 03.02.2012, on the basis of a complaint made against the petitioner, the financial power vested with the petitioner in the capacity of the Headmaster in the School was seized

which was subsequently challenged by the petitioner in W.P.(S) No. 2859 of 2012 and during the pendency of the writ application vide Memo No. 1341 dated 19.05.2012, the petitioner has been transferred from the post of Headmaster, Rajkiyakrit Baksi High School, Hussainabad, Palamau to Govt. Nripraj +2 High School, Saraikela-Kharsawan. On an objection raised by the petitioner that the transfer had been on an ex-cadre post, the respondents have considered the same and issued a fresh transfer order vide Memo No. 1731 dated 29.06.2012 whereby the petitioner was transferred to Rajkiyakrit Damin High School, Kusuma Barhait, Sahibganj which is under challenge in this writ application. The transfer order dated 29.06.2012 has already taken effect and after expiry of a considerable length of time, it would not be proper for this Court to interfere with the order of transfer. However, as per the averments made in the writ petition, the petitioner has submitted a representation before the respondent no. 3 for considering his posting in the district of Ranchi on the ground of illness of his wife as well as for making payment of salary which has been withheld.

4. In such view of the matter, the petitioner is given liberty to file a fresh representation before the respondent no. 3 with respect to his grievance in connection with non-payment of salary and appropriate posting of the petitioner. If such representation is filed, the respondent no. 3 shall consider the same on its own merit and will pass a reasoned and speaking order within a period of 6 weeks from the date of receipt of the said representation.

5. This application is accordingly, disposed of.

(Rongon Mukhopadhyay, J)