

**Sandip Kumar Mahato and anr Vs. Human Resource Development**

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**Court :** Jharkhand

**Decided On :** Mar-06-2013

**Appellant :** Sandip Kumar Mahato and anr

**Respondent :** Human Resource Development

**Judgement :**

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No.956 of 2013  
Sandip Kumar Mahato & Anr. . Petitioners Versus State of Jharkhand & Ors.  
...Respondents Coram : The Honble Mr. Justice Narendra Nath Tiwari For the  
Petitioners : Mr. Manoj Tandon, Advocate For the Respondents : J.C. to G.P.II -----  
2/06.03.2013 In this writ petition, the petitioners have prayed for quashing the  
Memo nos. 4154 and 4165 dated 22.12.2012, whereby they have been transferred  
contrary to the provisions of Jharkhand State Nationalized Primary School  
Teachers (Transfer and Disciplinary Proceeding) Rules,1994. It has been stated  
that there is specific rule prohibiting transfer of school teacher from his home block  
without considering his convenience. By the impugned orders, the said rule has  
been violated and the petitioners have been transferred to Schools in other blocks.  
The transfer orders being violative of the provisions of the said rule are illegal. The  
petitioners protested against the said orders by filing representations before the  
District Superintendent of Education, Dhanbad, but till date no order has been  
passed. In the meanwhile, the respondents are forcing the petitioners to join the  
transferred place. Learned J.C. to G.P.II, appearing on behalf of the respondents,  
submitted that the petitioners have been transferred in the Schools where the  
teachers are required and there is no illegality and malafide in issuing the said

transfer orders. However, he fairly submitted that no decision has been taken on the petitioners' representations as yet. He further submitted that the said representations of the petitioners or if any fresh representation is filed by them shall be considered and appropriate order shall be passed. Considering the said submissions, this writ petition is disposed of giving liberty to the petitioners to file fresh representations, mentioning the grounds available to them before the District Superintendent of Education, Dhanbad-respondent no.4. On receipt of representations, the said respondent shall consider the same and pass appropriate reasoned order, within six weeks from the date of receipt of representation. . ( Narendra Nath Tiwari, J.) s.b.

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