

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3516 of 2026

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Kanchan Kumari Wife of Sri Hemant Kumar, resident of ward no.15, Jaipal Patti, P.S. and District- Madhepura at present residing at Flat no. 602, Block-C1, Residential Complex for Officers and Staff of Patna High Court, Adalatganj, P.S. Kotwali, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Regional Deputy Director of Education, Patna.
6. The District Education Officer, Patna.
7. The District Programme Officer, (Establishment), Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3517 of 2026

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Bandana Jha Wife of Sri Rakesh Kumar Mishra, Resident of 304, Maurya Vihar, Maurya Path, Khajpura, PO- B.V College, P.S- Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Regional Deputy Director of Education, Patna.
6. The District Education Officer, Patna.
7. The District Programme Officer, (Establishment), Patna.

... .. Respondent/s

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Appearance :



(In Civil Writ Jurisdiction Case No. 3516 of 2026)

For the Petitioner/s : Mr. Alok Kumar, Adv.
Mr. Pranav Kumar, Adv.
Ms. Ruchi Acharya, Adv.

For the Respondent/s : Mr. Lokesh Kumar, AC to AG

(In Civil Writ Jurisdiction Case No. 3517 of 2026)

For the Petitioner/s : Mr. Shakti Suman Kumar, Adv.

For the Respondent/s : Mr. R P N Tiwari, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-08-2026

Learned Advocates for the respective parties are present.

2. The petitioners have initially approached this Court seeking a direction commanding upon the respondents to consider their cases for transfer within the Patna Sadar Urban Region, as per option exercised by them, in view of the policy of the State Government contained in Resolution No. 1729 dated 07.10.2024, particularly in terms of Clause 1, (vi) and (vii), for which the petitioners had also raised grievance through online e-Shikshakosh Portal.

3. Both the writ petitions were taken up on 18.03.2026, and on the assurance given by the District Education Officer, Patna, who was present before this Court, that final decision as with regard to the adjudication of the applications for transfer of the petitioners within Patna Sadar Urban Region, as per options exercised by the petitioners, which is placed on e-Shikshakosh Portal, would be carried out by



resorting to the procedures prescribed in law. The matter has been directed to be listed on the next appointed date.

4. In pursuant to the order of this Court, instead of adjudicating the issue, both the petitioners have been placed on deputation from their respective schools to K B Sahay High School, Sherullahpur, Sheikhpura, Patna, on the ground of teacher-students ratio, vide memo number 4639 dated 30.03.2026.

5. While the matter with regard to the adjudication of the transfer of the petitioner was pending consideration, the State has come out with the Bihar State Teachers Transfer Rules, 2026 (hereinafter referred to as, "Rules, 2026") and in view of the Rules, 2026 further notification has been issued bearing number 747 dated 17.07.2026, publishing a calendar for making application for transfer. The rule clearly postulates, especially in Clause 3, Sub-Clause (x), and further Rule 4, that in case both the husband and wife have been working in a government service or teacher, preference should be given for their posting in the same district or places.

6. The District Establishment Committee, headed by the District Magistrate, has also been constituted for consideration of the application for transfer of teachers of



Primary and Middle Schools within the district; whereas there would be a Divisional Establishment Committee for consideration of the inter-district transfer within the Division and State Establishment Committee for intra district transfer.

7. Learned Advocate for the State referring to the aforementioned Rules, 2026 submitted that since the Rules, 2026 has already come into force with effect from 25.06.2026, and therefore, the cases of the petitioners for their transfer shall be considered in terms with the specific prescription of the Rules.

8. Having considered the submissions advanced by learned Advocates for the respective parties and on perusal of the prescriptions of the Rules, 2026; this Court finds that there is a specific provision with regard to the preference to be given in favor of the husband and wife, if they are in government service. The very claim of the petitioners are specifically in limited bound that their husbands have been discharging duty in the institution of the Patna High Court, therefore, their cases must be considered in the light of the specific prescriptions of the Rules, 2026, and accommodate them nearby the school in the Patna Sadar Urban Region.

9. In view of the aforesaid facts and the positions of



coming into force of Rule, 2026, besides the deputation of the petitioners in the school of K B Sahay High School, Sherullahpur, Sheikhpura, Patna, in the interregnum, this Court deems it fit and proper to direct the concerned respondents to place the matter of the petitioners before the District Establishment Committee, who shall look into the matter and take an appropriate decision, preferably within a period of four weeks from the date of receipt/production of a copy of this order.

10. Suffice it to observe that till any decision is taken by the District Establishment Committee, the petitioners who have been placed on deputation, they shall not be disturbed.

11. With the aforesaid directions, both the writ petitions stand disposed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11-08-2026
Transmission Date	NA

