

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P. (S) No. 429 of 2026**

Anil Kumar Roy, aged about 52 years, son of Sri Suchit Roy, resident of Mohalla Bajra, Hehal P.O. Hehal, P.S. Sukhdeo Nagar, District Ranchi-834005 (Jharkhand).**Petitioner(s)**

Versus

1. The State of Jharkhand, through the Secretary, Department of School Education and Literacy, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi-834004 (Jharkhand).
2. The Director, Primary Education, Department of School Education and Literacy, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi-834004 (Jharkhand).
3. District Superintendent of Education, Ranchi, having its office at District Collectorate, Block-A, First Floor, Room Nos.113 & 114, near Kutchhery Chowk, P.O. G.P.O., P.S. Kotwali, District Ranchi-834001 (Jharkhand).**Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : M/s. Sumeet Gadodia, Ritesh Kumar Gupta, Shruti Shekhar, Nillohit Choubey, Advocates
For the Respondent(s) : Mr. Manish Kumar, Sr.S.C.-II

03/Dated:-24.04.2026

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioner praying therein for the following reliefs:
 - (i) *For issuance of an appropriate writ, order or direction, including writ of certiorari, for quashing/setting aside the office order, as contained in Memo No.107/Ranchi dated 10.01.2026 (communicated to the petitioner through WhatsApp on 13.01.2026 –Annexure-6) passed by the District Superintendent of Education, Ranchi- Respondent No.3, wherein petitioner has been transferred from the post of Headmaster-cum-Drawing and Disbursing Officer, Government Middle School, Lalgutuwa, Nagri to Government Middle School, Landupdih, Sonahatu, specially because the said transfer order is punitive in nature leveling allegation against petitioner;*
 - (ii) *For issuance of further appropriate writ, order or direction, including writ of declaration, declaring that the impugned transfer order dated 10.01.2026 wherein punitive transfer of the petitioner has been made is contrary to settled law that transfer of a person cannot be made on punitive ground;*
3. Briefly Stated, the dispute involved is punitive transfer of the petitioner from the post of Headmaster-cum-Drawing and Disbursing Officer, Government Middle School, Lalgutuwa to

Government Middle School, Landupdih, Sonahatu. The Petitioner was initially appointed on the post of Assistant Teacher in 1999 and promoted to Grade-IV post, thereafter promoted to Grade-VII i.e., post of Headmaster. The Petitioner was promoted to the post of Headmaster vide Memo No. 1685 dated 08.07.2024. The Petitioner was posted on the post of Headmaster-cum-Drawing and Disbursing officer, Government Middle School, Lalgutuwa and discharging his duties which is evident from Memo No. 1720 dated 11.07.2024.

4. Thereafter, on 10.11.2025 a complaint was filed by eight persons before Respondent No.1 with a copy to Respondent No.3 and it was alleged that Petitioner being Drawing and Disbursing Officer used to unnecessarily harass teachers while making payment of their salary and/or retiral benefits. Thereafter, a Fact-Finding Enquiry was initiated by Respondent No.3 who directed the petitioner to appear verbally. The Petitioner appeared before the Fact-Finding Authority and denied allegations made against him. Thereafter, six complainants appeared and filed their respective statements in writing stating that they never signed the complaint petition and two complainants did not appear in fact finding-enquiry.

5. Thereafter, vide letter No.4046 dated 04.12.2025, the Respondent No.3 made an allegation against the petitioner that Sri Mohan Mahto, appeared before the fact-finding enquiry, and stated that Petitioner demanded for certain amount for release of pension and other dues of his wife, who died in harness. It was addressed to Respondent No.2.

6. Thereafter, vide Memo No. 107/Ranchi dated 10.01.2026, the petitioner was transferred from Headmaster-cum-Drawing and Disbursing Officer, Government Middle School, Lalgutuwa, Nagri to Headmaster, Government Middle School, Landupdih, Sonahatu.

7. Further fact reveals that Rekha Kumari Sahu (Wife of Mohan Mahto) was posted as Assistant Teacher and died in harness on 30.06.2024 and all her retiral benefits and family pension has been paid which is evident from the affidavit sworn by Mohan Mahto on 13.06.2025. Mohan Mahto filed the complaint on 16.09.2025 vide Letter No.410, because, as per the petitioner, the claim for compassionate appointment of his son, Shivendra Shashi, was rejected by the Area Education Officer, Ranchi, as he filed incorrect certificate. To the aforementioned letter, Petitioner vide its letter no.67 dated 18.09.2025 informed Shivendra Shashi and handed over entire original documents evident from letter dated 18.09.2025. Thereafter, the impugned transfer order dated 10.01.2026 was communicated to Petitioner on WhatsApp.

8. From bare perusal of the impugned order of transfer, it appears that the same is punitive in nature. For brevity, the entire transfer order is extracted hereinbelow:

**“कार्यालय, जिला शिक्षा अधीक्षक, राँची
कार्यालय-आदेश**

निदेशक, प्राथमिक शिक्षा, स्कूली शिक्षा एवं साक्षरता विभाग झारखण्ड राँची के पत्रांक 18/3/10-03/2025 2324 दिनांक 26.12.2025 के आलोक में जिला शिक्षा स्थापना समिति राँची की बैठक दिनांक 10.01.2026 को अवलोकन हेतु समिति के सदस्यों के समक्ष रखा गया।

उक्त पत्र का समिति के सदस्यों द्वारा अवलोकनोपरान्त पाया गया कि श्री अनिल कुमार राय, प्रधानाध्यापक-सह-निकासी एवं व्ययन पदाधिकारी, रा०मध्य विद्यालय लालगुडुवा, नगड़ी के द्वारा भूतपूर्व शिक्षक के आश्रित से पेंशनादि कार्यों के लिए राशि वसूलने की पुष्टि के उपरान्त जिला शिक्षा अधीक्षक राँची को निम्नवत निदेश दिया गया :-

1. प्रशासनिक दृष्टिकोण से श्री अनिल कुमार राय प्रधानाध्यापक-सह निकासी एवं व्ययन पदाधिकारी लालगुडुवा नगड़ी राँची को अविलम्ब अन्यत्र विद्यालय में

स्थानांतरण किया जाय।

2. लगाये गये आरोप के संबंध में समर्पित जाँच प्रतिवेदन के आधार पर नियमानुसार अग्रेतर अनुशासनिक कारवाई अविलम्ब किया जाय।

उक्त निदेश के आलोक में श्री अनिल कुमार राय, प्रधानाध्यापक, रा० मध्य विद्यालय लालगुट्टवा नगड़ी, राँची को प्रशासनिक दृष्टिकोण से रा० मध्य विद्यालय लान्दुपडीह, सोनाहातु में प्रधानाध्यापक के रिक्त पद स्थानांतरित करते हुए पदस्थापित किया जाता है।

श्री राय को निदेश दिया जाता है कि नव स्थानांतरण विद्यालय में अविलंब योगदान करते हुए अधोहस्ताक्षरी कार्यालय को सूचित करेंगे। श्री राय का जनवरी 2026 माह का वेतनादि का भुगतान रा. म. वि. लान्दुपडीह, सोनाहातु से किया जाएगा।

ह०/-

जिला शिक्षा अधीक्षक,
राँची।”

9. Relying upon the aforesaid facts and law that any punitive transfer is bad in law, Ld. Counsel prayed for quashing of the order.

10. Learned counsel for the respondents vehemently opposed the prayer of the petitioner that several irregularities are being done and it is apprehended that if he will remain in the original place of posting, he shall prejudice the inquiry. He also submitted that initially no stay was granted in this case and the petitioner has already joined the new place of posting and inquiry is also going on against this petitioner.

11. Learned counsel for the petitioner submits that the impugned order of transfer is punitive in nature. He further submits that though the petitioner has joined at the new place of posting, but that is pursuant to the direction passed by this Court vide its order dated 28.01.2026.

12. Having regard to the facts and circumstances of the case and from bare perusal of the impugned order, it is crystal clear that it is punitive in nature which is not permissible as per the settled proposition of law.

13. So far as the inquiry is concerned, the respondents are free to proceed with any inquiry; but the law is no more *res integra*

that transfer cannot be punitive in nature and if the same will be punitive in nature, then the Court can interfere with the same.

14. The argument of learned counsel for the respondents that the petitioner will prejudice the entire inquiry if he will be in the same place of posting; this argument is also not acceptable to this Court for the reason that charge memo has been issued and the Respondent can fix any place as headquarter for departmental proceeding.

15. With the aforesaid observation and direction; the instant writ application stands allowed and the impugned order dated 10.01.2026 is quashed and set aside and the petitioner is directed to re-join the original place of posting.

16. It goes without saying that though the petitioner has already joined the new place of posting after transfer, but when the impugned order itself is quashed, it relates back to the original date of order when he was posted at a particular place. Therefore, the respondent No.3 is directed to accept the joining of the petitioner at the original place of posting.

17. It goes without saying that the respondents are free to proceed in the enquiry in accordance with law and this order shall not prejudice either of the parties.

18. Pending I.A., if any, also stands closed.

(Deepak Roshan, J.)

APRIL 24, 2026
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