

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5254 of 2015

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Bijay Kumar. S/o Late Baidyanath Thakur. Resident of village -
Bakhtiyarpur, P.O.- Malinagar, via - Pusa, P.S.- Chak Maisi, District -
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Minor Water Resources Department,
Government of Bihar, Patna.
3. The Additional Secretary, Minor Water Resources Department,
Government of Bihar, Patna.
4. The Chief Engineer, Minor Water Resources Department, Government of
Bihar, Muzaffarpur. null null
5. The Superintending Engineer, Minor Irrigation Circle, Muzaffarpur.
6. The Executive Engineer, Minor Irrigation Division, Muzaffarpur.
7. The Executive Engineer, Minor Irrigation Division, Hajipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha

For the Respondent/s : Mr. Anshuman Singh- Gp24

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

3 05-05-2015 The petitioner raised hue and cry against the so called

order of transfer passed against him. He is aggrieved by the

order of transfer dated 25.03.2015, contained in Annexure 11 by

virtue of which he has been transferred from Hajipur to Saharsa.

The petitioner is an Assistant Engineer in the Minor
Irrigation Department, Government of Bihar. Vide notification
dated 24.12.2014, contained in Annexure 1/A, he along with
others came to be transferred to the place indicated in the
notification. The petitioner gave his joining on 26.12.2014 and

even before he could settle down, impugned notification, contained in Annexure 11, dated 26.03.2015 came to be issued as is his case.

The simplicity of the petitioner's pleading created an impression that the petitioner is not being treated fairly by the respondent- authority. But the order of transfer and the chain of events indicate something much more.

The petitioner being an Assistant Engineer was transferred vide notification of transfer dated 24.12.2014 and on 26.12.2014 itself he reported at Hajipur and gave his joining at such a short notice which is surprising. It is accepted position that the petitioner gave his joining but he never got charge of the post and the office for the reason that there was already an Assistant Engineer posted at Hajipur by name Shiv Kumar Prasad. He had not been transferred from his place of posting and therefore he had refused to handover charge to the petitioner. The petitioner brought enough pressure to take charge but he did not succeed till 13.03.2015. When the conflict between the petitioner and the said Assistant Engineer reached the headquarter the omission in the transfer order emerged and, the petitioner was treated as 'Waiting for Posting' at Hajipur and thereafter a notification came to be issued accommodating him at a place where there was a vacant

post.

In the above circumstances, which also stands certified from the averments in the counter affidavit filed on behalf of the respondent, it is evident that it is not a case of hurried transfer to Saharsa. The order of transfer in very first place from Muzaffarpur to Hajipur was on a post which was not even vacant. Such an order of transfer was no order. Annexure 11 was a natural corollary in the interest of administration as well as the petitioner to accommodate him on the post, which was vacant.

In that view of the matter no interference is warranted with the notification, contained in Annexure 11.

The writ petition is, accordingly, dismissed.

(Ajay Kumar Tripathi, J)

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