

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 3099 of 2015

Shree Narayan Mahto S/o Late Sangam Lal Mahto, resident of village- Nandarhi,
P.O.- Sidhap Kala, P.S.- Ladania, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Secretary, Home (Special), Government of Bihar, Patna.
3. The Officer on Special Duty, Home(Special) Department, Government of Bihar, Patna.
4. The Director, Agriculture, Bihar, Patna.
5. The Additional Secretary-cum -Nodal Officer, Agriculture Department, Government of Bihar, Patna
6. The State of Jharkhand through the Chief Secretary, State of Jharkhand at Ranchi.
7. The Director, Agriculture, State of Jharkhand at Ranchi.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
Mr. Abhinay Raj
For the Respondent/s : Mr. Ashok Kumar Chaudhary, AAG-13
Mr. Shailendra Kumar Jha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 07-05-2015

07.05.2015 Heard learned counsel for the parties.

Order of rejection, contained in Annexure-7, is required to be quashed. Non-interference will amount to rewarding the delay and inefficiency on the part of the authorities of the Department of Agriculture, Government of Bihar, Patna. Since the State cannot draw advantage of its own wrong and a citizen cannot suffer on that count, the reason for rejection or the claim of the petitioner, contained in Annexure-7 on the ground of

delay in receipt of recommendation from the Agriculture Department after the so called cut-off date, which is said to be 31st of December, 2013 is irrational. The recommendation was received on 07.03.2014. Petitioner had no role to play in the said delayed decision making and in acceptance of his request for cadre transfer.

In view of the above Annexure-7 is quashed. A direction is issued upon the respondents to reconsider the matter in view of the recommendation made in favour of the petitioner afresh. The decision must be taken within a period of ten weeks from the date of production / communication of a copy of this Order.

Writ application stands allowed with observation / direction as above.

(Ajay Kumar Tripathi, J.)

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