

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2496 of 2013

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Arun Prakash S/O Late Durga Saran Prasad R/O Village- Gopalpur, P.S.-
Nagar Police Station, District- East Champaran, Motihari

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Rural Work Department, Government of Bihar,
Patna
3. The Engineer-In-Chief Rural Work Department, Government of Bihar,
Patna
4. The Superintendent Engineer Rural Work Department, Work Circle,
Motihari, East Champaran
5. The Superintendent Engineer, Rural Work Department, Work Circle,
Bettiah
6. The Executive Engineer Rural Work Department, Work Department,
Work Division, Motihari
7. Shiv Nath Ram S/O Late Bareram R/O Mohalla- Chandmari, P.O. &
P.S.- Motihari, District- East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

For the Respondent/s : Mrs. Namrta Mishra Gp17

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 20-03-2015 Heard learned counsel for the petitioner and the State.

No one appears on behalf of the respondent no. 7 despite service
of notice on him.

2. This writ application has been filed for the following
relief:

*"1. ... for issuance of writ nature of certiorari for quashing
the order memo no. 71 dt. 15.01.2013 issued by the
respondent no. 6 by which relieving order of respondent no.
7 cancelled and relieved to petitioner on 15.01.2013 for
joining in Rural Work Department, Work Anchal Bettiah,
meaning thereby earlier order of transfer dt. 08.06.2011 has
been cancelled and relieved for parent place of posting,
when ever a petitioner transfer by letter dt. 08.06.2011 from
Work Anchal Bettiah to Work Division, Motihari, whereas
respondent no. 7 aggrieved the order of transfer dt.
08.06.2011 issued by respondent no. 5 and preferred CWJC*

No. 19167/2011 along with circular of 1995 and suppressing the subsequently amended circulars of 2006 by which clearly stipulated that executive member of the recognized Sangh, shall be stay the transfer, only for one time for the two years in the service period, when Sangh shall be registered, whereas Sangh of the respondent no. 7 is not registered, moreover he has taken benefit as being Executive member of the his Sangh thus no question arise to take again benefit from the circular issued by the state government and further give other legal and consequential benefit attached to the post."

3. This Court, on perusal of materials on records, would find that the impugned order dated 15.01.2013 has been passed on a complete misconceived notion and in fact misquoting the order of this Court dated 10.04.2012 in C.W.J.C. No. 19167 of 2011. Such an order, in fact, was also obtained behind the back of the petitioner and, therefore, this Court will have no difficulty in quashing the impugned order dated 15.01.2013 and remit the matter back to the Chief Engineer, Rural Works Department, Works Division, Motihari to take a fresh decision in accordance with law.

4. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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