

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.480 of 2014

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1. Vinod Kuamr Tiwari S/O- Keshav Tiwari Mohalla- North Mandiri, P.S.- Buddha Colony, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Null Disaster Management Department, Government Of Bihar, Patna
2. The Principal Secretary, Disaster Management Department, Government Of Bihar, Patna
3. The Principal Secretary, General Administration Department, Government Of Bihar
4. Director General Of Police-Cum-Civil Defence Commissioner, Bihar, Patna
5. Additional Director General Of Police-Cum-Civil Defence Additional Commissioner, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. CHANDRA MOHAN JHA

For the Respondent/s : Mr. RAM BALAK MAHTO

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 04-02-2015

This writ application has been filed by the petitioner for quashing of the order of transfer, contained in Annexure-9 dated 5-2-2013. Many a things have been alleged by the petitioner in the writ application, including question of malafide.

However, a reading of the materials, brought on record by the respondents in their counter-affidavit, indicates that the petitioner was adjusted in the office at Patna in Disaster Management Department as a make-shift arrangement. His main cadre is of Civil Defence, and if the respondent-authorities

have decided to send him back to his main cadre, it cannot be a case of exercise of power malafide. The Court would not like to record the details of the conduct and otherwise of the petitioner, which has been talked about in counter-affidavit; but it is evident that they are not complimentary in nature to the petitioner. If he became larger than life and also law by himself and jeopardized the smooth functioning of the Organisation, then obviously for administrative reasons a decision had to be taken.

Since the petitioner, if otherwise, does not have a right to be posted in the office at Patna, but belongs to the cadre of Civil Defence, he has been rightly posted in the present place of posting, and Annexure-9 does not require any interference.

The writ application is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

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