

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.901 of 2015**

**IN**

**Civil Writ Jurisdiction Case No. 20618 of 2014**

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Lalit Narayan Rajak, son of Shri Shesh Nath Rajak, resident of village- Nawagadhi, P.S and District- Munger. (At the time of filing of the writ, Posted and working as District Programme Officer (Establishment), Patna District- Patna and presently working as District Programme Officer on Extra Unit of District Programme Officer, Saran.

.... .... Petitioner/ Appellant.

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Administration)-cum-Additional Secretary, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Patna.

.... .... Respondents

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**Appearance :**

For the Appellant/s : Mr. Umesh Kumar Mishra, Advocate

For the Respondent/s : Mr. Ray Shivaji Nath, Advocate, A.A.G.-3

Mrs. Divya Verma, A.C. to A.A.G.-3

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)**

**Date: 21-12-2015**

The appellant has preferred this appeal, under Clause 10 of the Letters Patent of this Court, being aggrieved by an order, dated 10.02.2015, passed, by a learned single Judge, in C.W.J.C. No. 20618 of 2014, whereby his application, filed under Article 226 of the Constitution of India, has been dismissed.

2. The appellant had made the said writ application,



under Article 226 of the Constitution of India seeking quashing of a Government Notification No. 4063, dated 23.11.2014, so far as the same related to the appellant's transfer as District Programme Officer, Chapra, from the office of the District Programme Officer, Patna, within nearly five months of his posting at Patna. He had assailed the order of his transfer from Patna to Chapra on the ground that whereas certain other persons of his Cadre, were retained to be posted on various places in Patna, by adopting pick and choose policy, the said respondents transferred him to Chapra within five months of his earlier place of posting.

3. From the materials on record, we find that the appellant had approached the Grievance Redressal Cell of the Education Department, raising similar plea against the said order of transfer. He gave instances of the persons, who were allowed to remain at Patna despite the fact that they had earlier served at Patna. We have perused the order, dated 09.01.2015, issued by the Education Department upon the decision of the said Grievance Redressal Committee, rejecting the appellant's claim. It seems that, at least, one person, namely, Kaushal Kishore, who was junior to the appellant and had been posted in Patna earlier also, has been allowed to remain in Patna. It has also been stated at the bar that pursuant to the order of transfer from Patna to Chapra, the appellant has already submitted his

joining on 06.02.2015.

4. In view of the facts, which are not much in dispute, we are satisfied with the submission advanced on behalf of the appellant that there has been some arbitrariness in the decision, relating to transfer and posting of the Officer, holding the post of District Programme Officer (Establishment) and no uniform policy in such matters, has been followed.

5. Considering the above, we direct the Principal Secretary, Education Department, Government of Bihar to re-consider and revise the decision of the appellant's transfer from the post of District Programme Officer, Patna to District Programme Officer, Chapra, after getting it placed before the Grievance Redressal Cell of the Department, again.

6. The exercise must be completed within a period of one month from today. The order passed by the learned single Judge, in appeal, stands modified, to the extent above.

7. The appeal stands disposed of.

**(I. A. Ansari, ACJ)**

**(Chakradhari Sharan Singh, J)**

Vats/-

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