

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6789 of 2015

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1. Sahdeo Prasad Singh son of Late Lakhan Prasad Singh, Resident of village- Samda, Police Station Kharagpur, District- Munger.
 2. Balram Prasad Singh son of Govind Singh, resident of village- Kendua, Police Station- Sangrampur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home (Special) Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The State of Jharkhand through the Principal Secretary, Human Resources Development Department (Primary Education Directorate), Jharkhand, Ranchi.
5. Rajendra Das son of not known, posted as Assistant Teacher, proposed Middle School, Pilua Chandan, Banka.
6. Gopal Das son of not known, posted as Asistant Teacher, Primary School, Nawadih, Chandan, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Respondent/s : Mr. Ram Balak Mahto, AG

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner being employee of a divisional cadre wants direction to the State Government for considering his mutual transfer, this Court must hold that as per provision of Section 74 of the Bihar Re-organization Act such transfer by way of allocation of services to a member of the divisional/ district cadre is not permissible because the basic principle of re-allocation was that an employee who was working either in the district cadre or divisional cadre shall stand

automatically allocated to the district/ divisional cadre within which the respective successor State have fallen.

The reliance placed by the learned counsel for the petitioner on the order of the Government of India dated 9th December, 2009 in this regard is also wholly misplaced because that cannot be treated to be a direction under section 76 of the Act. The Central Government in fact in the said letter has made it clear that it has no role to play in the mutual transfer of non-State cadre employees.

That being so, this Court is not in a position to issue any direction, especially when such statutory provision of Section 74 of the Act was also not noted in an order of this Court dated 21.2.2012 in C.W.J.C. No. 3207/2012 being relied by learned counsel for the petitioner.

Thus, for the reasons indicated above, this application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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