

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2780 of 2015

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Rakesh Kumar, son of Sri Radhe Shyam Singh, resident of Village – Pokharaha Tola, P S – Bagen Gola, District – Buxar, presently posted as B D O, Jagdishpur, P S – Jagdishpur, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. Secretary, Rural Development Department, Government of Bihar, Patna.
4. Special Secretary, Rural Development Department, Government of Bihar, Patna.
5. District Magistrate, Bhojpur at Ara.
6. Deputy Development Commissioner, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Sinha

For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-03-2015

A K Tripathi, J.

Only after the Court took a grim view of the matter that hurriedly notification has been issued at the level of the Rural Development Department as well as at the level of the District Magistrate, Bhojpur at Ara.

2. Counter affidavit on behalf of respondent No.3 has been filed. The reasons indicated in para 3 and 9 are untenable reasons, which led to transfer of the petitioner.

3. It was the duty of the District Magistrate to ensure that he extended adequate protection as well as ensure that a government servant was extended due support from the administration instead of succumbing to demand of local leaders whose bonafide most of the time is absent.

4. In view of the reasoning assigned in the transfer of the petitioner.

coupled with the fact that transfer has been effected in a very short notice at the place of his posting, the impugned order, contained in Annexure-5, dated 22.1.2015 is quashed.

5. Writ application is allowed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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