

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14660 of 2015

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1. Satyandra Son of Shri S.B. Choudhary a Permanent resident of village -
Bisenikhurd, P.S. Nokha, District - Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Environment and Forest Govt. of Bihar, Patna
3. Principal Chief Conservator of Forest, Department of Environment and Forest,
Govt. of Bihar, Patna
4. Mr. B.N. Khan, I.A.S., Principal Chief Conservator of Forest, Department of
Environment and Forest, Govt. of Bihar, Patna
5. Deputy Secretary, Department of Environment and Forest, Govt. of Bihar, Patna
6. Divisional Forest, Department of Environment and Forest, Govt. of Bihar, Patna
7. Shivnandan Choudhary, Range Officer residing at Road No. 2, Mohalla Shastri
Nagar, P.S. Chaunditi, District - Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Rajiv Kumar Verma, Sr. Advocate
Mr. Rajni Kant Jha
For the State : Mr. P.N.Sharma, AC to AG
For Pvt. Respondent : Mr Mrigank Mouli

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 26-11-2015

Heard counsel for the petitioner, counsel for the State as
well as private respondent.

By virtue of Annexure- 1 dated 2.9.2015, a notification
was issued under the signature of Principal Chief Conservator of
Forest, Government of Bihar transferring the petitioner from
Imamganj to Piro, Bhojpur at Ara. Petitioner's senior counsel
contends that this transfer order is a mala fide order passed for
extraneous consideration and reasons only to accommodate

respondent no.7. Petitioner had been posted previously to Imamganj as recent as 22.6.2015 but within months Annexure- 1 came to be issued, which is also in violation of the circular relating to such transfers.

From a reading of Annexure- 1, it is evident that the transfer order was effected by respondent no.3 after 30th of June, 2015. Such transfers are permitted only after the approval of the Hon'ble Chief Minister of the State after 30th June. Annexure-1 does not seem to have approval.

Further reading of the notification itself, it is evident that the reason for transfer of the petitioner as well as accommodation of private respondent no.7 is a begotten and contrived kind of reason. The application of respondent no.7 was made before respondent no.3 on 26.5.2014. Whatever be the ground indicated therein, the Court fails to understand as to why no action or decision was taken for more than one year on the request of the private respondent and why an order of transfer was notified only a couple of weeks before the said officer had to lay down office after his superannuation.

There are telltale signs on the record that the present petitioner has been transferred and private respondent no.7 has been accommodated for the reasons, which are not difficult to perceive or infer.

Since the transfer order is in violation of Annexure- 5 as well as for extraneous reasons, the impugned order insofar as it relates to the present petitioner stands quashed. Writ application is allowed. It is left open to the State authorities to give a posting to respondent no.7 in view of the above order.

(Ajay Kumar Tripathi, J)

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