

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15100 of 2008

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Rakesh Kumar Dubey, son of Sri S.N.Dubey, resident of Village Simaria,
P.S. Jasidih, District- Deoghar

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Department of Personnel and Training, New Delhi
2. The Director (S.R.), Ministry of Personnel, Public Grievance and Pension, New Delhi
3. The State of Bihar through its Chief Secretary, Old Secretariat, Patna
4. The Secretary, Department of Home (Police), Government of Bihar, Patna
5. The Principal Secretary, Home (Special), Patna
6. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna
7. The State of Jharkhand through its Chief Secretary, Ranchi
8. The Secretary, Department of Home, Government of Jharkhand, Ranchi
9. Subodh Kumar, presently posted as Deputy Superintendent of Police, Police Training College, Hazaribagh (Jharkhand)

.... Respondent/s

Appearance:-

For the petitioner	:	Mr. Chandan Jha, Advocate
For the State of Bihar	:	Mr. Kaushal Kumar Jha, G.A.
For the State of Jharkhand	:	Mr. D. Mukherjee, Advocate
For the UOI	:	Mr. Sanjay Kumar, ASG

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 20-03-2015 Heard learned counsel for the petitioner and learned counsels for the States of Bihar and Jharkhand and learned Assistant Solicitor General.

The petitioner seeks a direction upon the respondents to consider his case for transfer/ allotment of cadre from the State of Bihar to State of Jharkhand and vice versa on mutual basis as per joint representation for personal reason.

Learned counsels for the States of Bihar and Jharkhand submit that the very notification regarding appointment of the petitioner dated 9.11.2000 had clearly stated that the persons had been selected subject to the condition that after the constitution of the State of Jharkhand they may have to work either in the State of Bihar or in the State of Jharkhand and pursuant to the same the petitioner had given his joining on 14.12.2000 in the State of Bihar. It is thus, submitted that the writ petition itself does not appear to be maintainable as under the provisions of Section 72 of the Bihar Re-organization Act no such inter-State transfer is permissible with regard to employees who had joined the services of either of the States after the re-organization.

Learned counsel for the petitioner is unable to meet the aforesaid contention of learned counsels for the respondents.

This Court is in agreement with the submission of learned counsels for the States of Bihar and Jharkhand.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

S.Pandey/-

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