

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16230 of 2014

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Ram Yash Sah S/o Late Yugeshwar Sah, R/o Village- Rambhelahi, P.S.-
Parihar, Distt- Sitamarhi, At present posted as Junior Electrical Engineer,
Recognized Electrical Works Division No. 2, Building Construction
Department, Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The Principal Secretary, Finance Department, Main Secretariat, Patna
3. The Principal Secretary, Samanya Prashasan, (Personnel and
Administration), Department, Main Secretariat, Patna
4. The Principal Secretary, Energy Department, 8- Daroga Rai Path, Patna
5. The Principal Secretary, Building Construction Department,
Vishesharaiya Bhawan, Patna
6. The deputy Secretary to Government, Building Construction Department,
Vishesharaiya Bhawan, Patna
7. The Engineer-in-chief, null Bihar State Building Construction
Department, Vishesharaiya Bhawan, Patna
8. The Chief Engineer Designed, null Bihar State Building Construction
Department, Vishesharaiya Bhawan, Patna
9. The Chief Electrical Engineer, Bihar State Building Construction
Department, Vishesharaiya Bhawan, Patna
10. Sri Chndeshwar Ram S/o not known, Newly transferred and posted as
Junior Electrical Engineer, Electrical Section, Bihar Sharif under
reorganized Electrical Works Division No. 2, Building Construction
Department, Patna
11. Sri Rajni Kant Singh S/o not known, Newly transferred and posted as
Junior Electrical Engineer, Electrical Section, Gulzarbagh, Patna under
reorganized Electrical Works Division No. 2, Building Construction
Department, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma
For the Respondent/s : Mr. Ram Balak Mahto

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-07-2015

Heard learned counsel for the parties.

After a detailed argument that the petitioner could have
made on the aspect he finds that the case of the petitioner against
the impugned order is very weak because the Government always



have the power to create/ amalgamate or even reduce the existing strength of cadre. The petitioner, therefore, having been fortunate to be in Government service on account of his being at least absorbed from the Bihar State Agriculture Marketing Board to Energy Department ought to have not questioned the Government decision wherein the work of looking after the Government building for the purposes of electrical work in instalment was as a whole handed over to the Building Construction Department. As a matter of fact the twin control of the two departments for the same work to upkeep of the Government building was the only reason for the Government to come out with the policy of handing over the work of electrical section to be under the Building Construction Department.

The petitioner, therefore, cannot question either the State Government decision or the consequential order of the Building Construction Department to post him at any place. As a matter of fact the representation of the petitioner after filing of this writ application was also rejected and he was asked to join at Muzaffarpur on 17.12.2014.

Now when the petitioner wants to withdraw this application, he must keep in mind that if he has not joined the post at Muzaffarpur he must do so within a period of two weeks,

failing which the Government will be at liberty to take appropriate action against him.

With the aforementioned observation, this application is permitted to be withdrawn.

(Mihir Kumar Jha, J)

surendra/-

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