

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14103 of 2014

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Yogendra Singh, Son of Late Yamuna Singh, Resident of Village -
Brahmain, P.O. + P.S. - Uchchakagaon, District - Gopalganj.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Collector, Gopalganj.
4. The Sub-Divisional Officer, Hathua, District - Gopalganj.
5. The Sub-Divisional Officer, Gopalganj, District - Gopalganj.
6. Kripa Shankar Diwedi, Son of not known, presently transferred as Block Supply Officer, Kuchaikote, District - Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No-5, Advocate
For the State : Mr. Lalit Kishore, PAAG
Mr. Ajay, G.A.12
For respondent No.6 : Mr. Kumar Kaushik, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 20-04-2015 The petitioner is the Secretary of the Fair Price Dealers' Association of Gopalganj district. In this Public Interest Litigation, he has challenged the proceedings dated 8.10.2014 issued by the then Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna-the 2nd respondent.

The relevant facts are that Kripa Shankar Diwedi, the 6th respondent, worked as the Block Supply Officer, Kuchaikote Block of Gopalganj district in two spells i.e., with effect from



1997-98 and 2007-2010. In the general transfers of 2014, he was again transferred to the same Block. The District Collector, Gopalganj, the 3rd respondent, addressed a letter dated 20th September, 2014 to the Principal Secretary, the 2nd respondent, stating that the 6th respondent has already worked for two spells at Kuchaikote and during his tenure, allegations were made, and there is unrest among the local people on account of his being transferred to Kuchaikote Block and made a request that the said employee be adjusted in any other block. The 2nd respondent-the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar has, however, taken exception to the alleged inaction on the part of the 3rd respondent and insisted that all the transfers, as directed, must be implemented and the compliance thereof must be reported.

The petitioner contends that it is under specific direction issued by the 2nd respondent that the 6th respondent was posted at Kuchaikote.

We issued notice to the Deputy Secretary of the Food and Consumer Protection Department, who filed a counter affidavit virtually taking exception to the action of the 3rd respondent, the Collector, Gopalganj. We expressed our unhappiness to the stand taken by the Deputy Secretary.

Thereafter the official holding the office of the Principal Secretary, Food Department filed a counter affidavit expressing unconditional apology for the steps taken by him vis-a-vis the 6th respondent. The 6th respondent has also filed counter affidavit denying the allegations levelled against him.

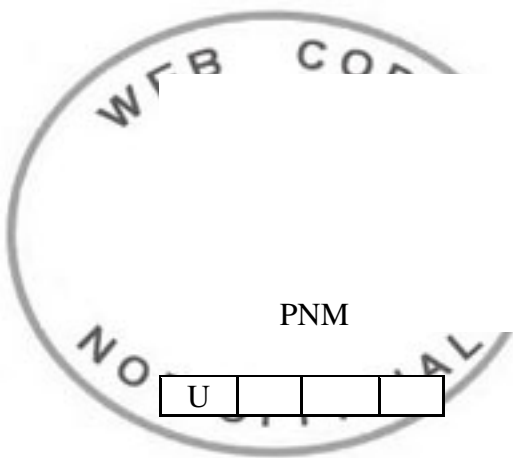
Heard Shri Sanjay Kumar Pandey No.5, learned counsel for the petitioner, Shri Lalit Kishore, learned Principal Additional Advocate General, for the State and Shri Kumar Kaushik, learned counsel for respondent No.6.

The letter of the 3rd respondent is self-explanatory. It is not in dispute that the 6th respondent worked for two spells at the same Block. It is not understandable as to how and why the administration has chosen to post the 6th respondent at the same place though he could have been transferred to any place in the State. Though the Deputy Secretary tried to justify the action, we find that he acted in an irresponsible manner.

It is brought to our notice that the 6th respondent had been transferred to another place. We, therefore, close the writ petition.

The 6th respondent may make a representation for posting him in any other place other than Kuchaikote Block, and, if filed, shall be considered on its own merit. However, if any

enquiry is going on against him, the same shall remain unaffected.



(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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