

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12372 of 2008

Hare Ram Prasad, son of Shri Nar Singh Ram, resident of Village + PO – Ekouna, P.S. Simri, District – Buxar, presently residing at H/o Ajay Kumar Singh, Mohalla – West Pabhunath Nagar, Tandi Road, Chapra

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Home Special Department, Government of Bihar, Patna.
3. The Chairman, State Advisory Committee, Bailey Road, Patna through the Union of India.
4. The Secretary, Planning & Development (S & E) Department, Government of Bihar, Patna.
5. The Director, Statistics & Evaluation Directorate, Bihar, Patna.
6. The Senior Joint Director cum Office Head, Planning and Development Department (S & E) Directorate, Bihar, Patna.
7. The State of Jharkhand through the Directorate, Statistics & Evaluation Directorate, Jharkhand, Ranchi.
8. The District Statistical Officer, Gopalganj.
9. The District Magistrate, Gopalganj.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. SHASHI SHEKHAR TIWARY
For the Respondent/s : Mr. Amresh Kumar Sinha, AC to GA 9
Mr. Rajesh Kumar Verma, CGC
Mr. Dhruba Mukherjee

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-04-2015

Way back on 21/8/2008 learned single Judge after hearing the parties passed an order restraining the respondents from compelling the petitioner to join the State of Jharkhand on the basis of mutual transfer which the petitioner had sought. Obviously, before the order could be passed, petitioner earned a promotion in the State of Bihar, which led to a change of mind. For the last seven years because of the order of stay, petitioner has continued in the State of Bihar. This Court does not find any thing on record to show that the State at any point of time tried to get the hearing of the matter expedited or seek vacation of the order of stay.

2. Due to the mutual transfer which the petitioner had worked out, a man from Jharkhand has already come and joined the post in the State of Bihar. Therefore, the State is saddled with two employees and an extra hand.

3. Be that as it may, taking into consideration the subsequent developments as well as advisory issued by the Ministry of Home with regard to State cadre transfer, which was supposed to come an end after a particular time, let the State of Bihar take a final call on the status of the petitioner keeping these developments in mind.

4. Writ application stands disposed of with observation as above.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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