

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10091 of 2015**

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Bageshwari Prasad @ Bage Son of late Yogendra Prasad Mandal Resident  
of Village- majhgain, Police Station Shambhuganj, district Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Agriculture department, Government of Bihar, Patna-1
3. Agriculture Production Commissioner, Agriculture Department, Government of Bihar, Patna-1
4. Agriculture Director, Agriculture Department, Government of Bihar, Patna-1
5. District Agriculture Officer, Sheikhpura District Sheikhpura.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.

For the Respondent/s : Mr. Ram Balak Mahto, AG

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

2      17-07-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner is aggrieved by an order of transfer dated 29.6.2015 from Sheikhpura to Begusarai and his retirement is said to be due only in next six months i.e. on 31.1.2016, this Court, without going into the correctness of the transfer order, would only direct the competent authority to take a decision as to whether the transfer of the petitioner, in view of his impending retirement, will still be necessary and if the authorities would find that continuance of the petitioner for next six months is not going to cause any administrative exigency, an appropriate decision for allowing the

petitioner to remain posted till his retirement may be taken but if on the other hand it is found that the petitioner's continuance on the post is detriment to the public interest or administrative exigency, the concerned authority will take such a decision rejecting the case of the petitioner by giving reasons in support of his such decision.

This exercise, however, must be completed by the competent authority within a period of one month from the date of receipt of this order.

For a period of one month, the petitioner, if not already relieved, shall be retained to continue on his post.

With the aforementioned observation and direction, this application is disposed of.

**(Mihir Kumar Jha, J)**

Rishi/-

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