

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20780 of 2014

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Rajesh Kumar, S/o Sri Narsing Prasad, resident of Village + Post -Tehta, P.S. Mukhdumpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Samanya Prashashan, Old Secretariat, Bihar, Patna.
3. The Principal Secretary, Department of Finance, Old Secretariat, Patna.
4. The Principal Secretary Energy Department, 8 Daroga Rai Path, Patna-1.
5. The Secretary to Government, Building Construction Department, Bishesharaiya Bhawan, Patna.
6. The Joint Secretary, Building Construction Department, Bishesharaiya Bhawan, Patna.
7. The Deputy Secretary to the Government, Building Construction Department, Bishesharaiya, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Anjani Kumar, A.A.G.-IV

Mr. Brajesh Kumar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 05-12-2016

The challenge in the present petition filed in public interest is to the Notifications dated 08.08.2014, 13.08.2014 and 25.08.2014 whereby, certain Engineers, such as Assistant Electrical Engineers, Additional Assistant Electrical Engineers and Junior Electrical Engineers, working in the Energy Department, have been posted in the Building Construction Department.

The petitioner has invoked the jurisdiction of this Court



in public interest with the averments that he has no direct or indirect interest in the case.

The fact remains that the challenge is to the transfer of certain officers from one Department to another under the State Government. Therefore, the dispute in the public interest litigation pertains to service matter of the employees of the State Government. It appears to be proxy litigation on behalf of the persons, who have been transferred from one Department to another. The aggrieved persons have individual rights to challenge the same. They do not belong to a section of society, who are illiterate and without means.

Therefore, the present public interest litigation in service matter is dismissed relying upon the judgment of this Court in CWJC No.21601 of 2014 (Samrendra Kumar Sudhansu Vs. The State of Bihar & Ors.) decided on 21.11.2016.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Sunil

AFR/NAFR	A. F.R
CAV DATE	N. A.
Uploading Date	09.12.2016
Transmission Date	

