

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11226 of 2016

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Shiv Narain Baitha son of late Chandar Bali Baitha resident of Village Balwa Mishr, P.S. Bhore, District Gopalganj, at present posted as Clerk, District Education Office, Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education, Department of Education, Government of Bihar, Patna
2. The Director Middle Education, Department of Education, Government of Bihar, Patna
3. The R.D.D.E. Saran Division, Chapra
4. The District Education Officer, Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr H.P.Singh, Sr. Advocate
Mr. Mohammad Sufyan

For the Respondent/s : Mr. P.N.Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-08-2016

The sole reason for this Court to direct filing of a counter affidavit on behalf of the State was a categorical statement made by the petitioner that he had not completed three years of service at Gopalganj, his last place of posting. The notification contained in Annexure-1, therefore, did not indicate the correct position.

Submission of the counsel for the petitioner could be technically correct but on a deeper look on factual position, which is emerging from the counter affidavit, it is evident that after the appointment of the petitioner in service in the year 2005 he has remained in service in the district of Gopalganj in the office of

District Education Officer all along except for a short period of 10 months when he was transferred to District Education Office, Siwan on 4.3.2013 but returned back to Gopalganj on 21.1.2014

It is evident from the counter affidavit that the effort on the part of the State is to even transfer such people, who have remained in a particular posting under an office for a long period of time, more than three years, in one manner or the other.

If that be so then the order of transfer does not suffer from any legal infirmity which requires interference with it. Writ application is dismissed because a long period of posting at a particular position does create vested interest.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
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