

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14999 of 2016**

Tarique Anwar Son of Zakir Hussain Resident of Mohalla- Raja Bazar , P.O. B.V. College, PS Shashtrinagar, Patna-800014

.... .... Petitioner

Versus

1. The State of Bihar , through Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Deputy Secretary, Rural Workds Department , Government of Bihar, Patna.
4. The Under Secretary, Rural Works Department , Government of Bihar, Patna.

.... .... Respondents

**Appearance :**

For the Petitioner/s : Mr. Ashish Giri, Adv.

For the Respondent/s : Mr. J.C. to AG

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 29-09-2016**

Petitioner, who is working as an Assistant Engineer, is aggrieved by a notification dated 30th June, 2016, contained in Annexure 2, by virtue of which he stands transferred from his present place of posting at Raghunathpur to a place called Laukahi in the district of Madhubani. Annexure 3 is the application filed by the petitioner raising objections against his transfer. A reading of the same would indicate that the petitioner has not even completed one year of his present posting at Raghunathpur. The average posting even according to the circular of the Cabinet Secretariat of the State of Bihar is a tenure of three years. Petitioner has expressed his difficulty in Annexure 3, which are the main issue and cannot be ignored.

In the counter affidavit, reason given for transfer of the

petitioner is that the department is short of hands. The district of Siwan has seven Assistant Engineers. There are two vacancies in Madhubani District. Therefore, the petitioner had to be moved.

This Court has nothing to say on what has been stated by the State in the counter affidavit with regard to vacancy and requirement of hands. This Court however has serious reservation when somebody with less than a year of posting at a place is sought to be moved and other persons, who are working for more than three years, are allowed to continue undisturbed. Obviously, the order of transfer of the petitioner is more than illogical. Reason given by the respondents in the counter affidavit does not satisfy the Court since transfer has not been satisfactorily explained to be for administrative reason. An irrational parameter has been used for moving him.

The impugned notification, in so far it relates to the present petitioner, dated 30th June, 2016 stands quashed. Writ application is allowed.

**(Ajay Kumar Tripathi, J)**

Surendra/-

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| AFR/NAFR          | NAFR      |
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