

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2098 of 2016
IN
Civil Writ Jurisdiction Case No. 11536 of 2016**

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Sunil Kumar Jha, son of Late Singeshwar Jha, R/o Village- Ram Nagar, P.S.
Gayghat, District- Muzaffarpur, Bihar.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar through the Chief Secretary [Council of Ministry of Secretariat Department] in Bihar, Patna.
2. The Commissioner, Revenue and Land Reform Department, Bihar, Patna.
3. The Director, Revenue and Land Reform Department, Bihar, Patna.
4. The Collector, Sitamarhi.
5. The Addl. Collector, Land Reform, Sitamarhi.
6. The Block Development Officer, Dumra.
7. The Circle Officer, Dumra.

.... -Respondents-Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : None

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-05-2017

Inter alia contending that transfer of the petitioner is contrary to the transfer guidelines and policy laid down by the Government of Bihar whereby certain guidelines have been laid down which stipulates that an employee cannot be transferred from one Anchal till he completes six years of service and further contending that he has been transferred contrary to the policy, the writ petition in question was filed.

The learned Writ Court dismissed the writ petition holding that it is an administrative order of transfer, judicial interference is not



called for. We find no error in the order passed by the learned Writ Court.

Transfer is an incident of service and can be interfered with exercising the scope of judicial review only if statutory rules and regulations are found to be violated or the transfer made with *mala fide* intention. Merely because the policy and guidelines contemplating certain norms for transfer are violated that does not give cause to interfere with an order of transfer. The said guidelines does not confer upon the Government employee a legally enforceable right as laid down by the Hon’ble Supreme Court in the case of **Union of India Vs. S.L. Abbas** [(1993) 4 SCC 357] based on which interference can be made.

In view of the above, we find no error in the order of the learned Writ Court warranting reconsideration. Appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

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