

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2977 of 2017**

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Md. Azam, S/o late Gazar Khan, Resident of Village-Ghorpakri, P.S.-Inarwa,  
District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Government of Bihar, Patna
4. The Deputy Secretary Agriculture Department, Government of Bihar, Patna.
5. The Principal Secretary, Cabinet Secretariat and Coordination Department,  
Government of Bihar, Patna.
6. The Agricultural Production Commissioner, Department of Agriculture,  
Government of Bihar, Patna

... .. Respondent/s

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**Appearance :**

For the Petitioner/s :

For the Respondent/s :

Mr. Sarvesh Kr.Singh-AAG13

Mr. Tej Pratap Singh, A.C. to AAG-13

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

and

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 20-09-2017**

This petition in public interest has been filed for implementing the provisions of Rule 22(3) to 22(5) of the Bihar Government Servants Transfer and Posting Rules and circular dated 01.03.2007.

The dispute canvassed in this public interest litigation is in fact a service dispute with regard to transfer and posting of the employees and on going through the records we find that it is nothing but a device to canvass the interest of certain employees working in the department. Hon'ble Supreme Court in the case of **Bholanath Mukherjee & Others Vs.**



**Ramakrishna Mission Vivekananda Centenary College & Others- (2011) 5 SCC 464** and the Delhi High Court recently in the case of **Forum of SC and ST Legislators and Parliamentarians Vs. Oil and Natural Gas Corporation Ltd. & Another [WP(C) No. 1698 of 2017]** decided on 27.02.2017 have already held that in matters of service disputes a public interest litigation is not maintainable.

Keeping in view the aforesaid, we see no reason to make any indulgence into the matter.

The writ petition is dismissed with liberty to the aggrieved individual employee to ventilate his grievance in accordance with law.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

P.K.P.

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