

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15492 of 2017

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Prem Kumar Singh Son of late Arbind kumar Singh Resident of Village-
Dumari, Post- Dumari Balua, P.S. Doriganj, District- Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Primary Education Department, Govt. of Bihar, Patna.
2. The Block Development Officer, Sadar Block Chapra.
3. The Pramukh , Sadar Block, Chapra.
4. The Block Education Officer, Sadar Block, Chapra.
5. The Member, Panchayat Samiti, Sadar Block Chapra.
6. The Secretary, Vidyalaya Siksha Samiti, Upgraded Girls Middle School, Tikulia Tola, Rasulpur, Dumari, chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Advocate
For the State : Mr. Harendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 22-11-2017

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State.

2. The petitioner is aggrieved by the order of transfer
contained in memo no. 490 dated 6.5.2017.

3. Counsel for the petitioner submits that the order of
transfer is punitive in nature and the same is not sustainable
without compliance of the principles of natural justice. He submits
that the petitioner has represented against the order of transfer



before the respondent-authorities but his representation has not been disposed of till date.

3. Transfer is an incident of service and in view of the latest judgment of the Supreme Court while exercising power of judicial review, the Courts are not expected to interfere with the transfer matter unless the order of transfer is without jurisdiction or tainted with mala fide.

4. Counsel for the petitioner has highlighted the personal difficulty on account of the ailments of the wife of the petitioner in para-12 of the writ petition and other hardships which the petitioner is facing.

5. In view of the difficulty expressed in para-12 onwards, the court deem it fit and proper to dispose of the writ petition with liberty to the petitioner to file fresh representation before the Respondent No. 1. In case such representation is filed within a period of a fortnight from today, the respondent No. 1 shall look into the grievance of the petitioner and pass reasoned order.

6. It is made clear that this Court has not expressed any opinion on the merit of the case. If such representation is filed, the respondents shall dispose of the same within a period of two months from the date of filing of such representation.



7. The writ petition is disposed of with the observations and directions as made above.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.11.2017
Transmission Date	

