

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1539 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 10691 of 2016**

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Arvind Kumar son of Late Balmiki Ram, Resident of village- Naghar, Police Station- Bikram, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
4. The Director, Administration-cum- Additional Secretary, Department of Agriculture, Government of Bihar, Patna.
5. The Under Secretary, Department of Agriculture, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Ojha, Advocate

For the State : Mr. Nawal Kishore Singh, AC to GP-26

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 08-02-2017

The challenge in the present Letters Patent Appeal is to an order passed by a learned Single Bench on 22nd July, 2016 whereby the writ application filed by the appellant challenging the order of transfer dated 23rd June, 2016 remained unsuccessful.

The appellant contends that the transfer is middle of the academic session and before completion of three years and that it is against the guidelines framed, therefore, this Court should not permit



arbitrary transfer.

We do not find any merit in the argument raised. By the order impugned, as many as 58 Officers were transferred including the appellant on 23rd June, 2016. Such large number of transfers cannot be permitted to be disputed at the instance of one person when such transfer is made in administrative exigency. Mere fact that the transfer of the appellant is prior to completion of three years will not confer any enforceable right in favour of the appellant as the guidelines are only directory. We do not find that for violation of the guidelines, the appellant will have an enforceable cause of action to dispute his transfer through the writ application.

We do not find any error in the order impugned. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, ACJ.)

S.Pandey/-

(Sudhir Singh, J.)

AFR/NAFR	NAFR
CAV DATE	NA
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