

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5981 of 2016

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Ram Pravesh Prasad S/o- Late Ramanand Prasad, Resident of village- Mathurapur,
P.O.- Pakwaliya, P.S.- Barhariya, District- Siwan

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Siwan
3. The Additional Collector (Revenue), Siwan
4. The Circle officer, Block- Siwan Sadar, District- Siwan

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Adv.
Mr. Santosh Bharti, Adv.

For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-05-2017

Heard Mr. Shri Prakash Srivastava, learned counsel
appearing for the petitioner and Mr. Krishna Chandra, AC to AG, for
the State.

The petitioner was transferred from Siwan Nagar Panchayat
to Siyari, Sarsar Panchayat by the order of the Circle Officer, Siwan
Sadar bearing Memo No. 916 dated 17.8.2015 and in obedience
whereof he has also given his joining at the deputed place. However,
subsequently the Addl. Collector, Siwan vide order dated 7.9.2015 has
stayed such deputation. While copy of the transfer order is present at
Annexure 1, the order of stay thereof is present at Annexure 2.

The grievance of the petitioner is that despite the stay order
passed by the Addl. Collector, Siwan, the Circle Officer in a gross
case of insubordination, did not allow the petitioner to join and on the



attention of the Collector, Siwan being drawn vide Annexure 3 that the departmental proceeding has been initiated against the Circle Officer. However, he submits that despite the position the petitioner is not being allowed to rejoin at his earlier place of posting. Mr. Shrivastava further informs that none has been posted in place of the petitioner.

Having heard learned counsel for the parties and considering the order dated 7.9.2015 of the Addl. Collector putting a stay on the deputation order bearing no. 916 dated 17.8.2015, the petitioner cannot be restrained from giving his joining at his earlier place of posting at Siwan Nagar Panchayat. Let the formality be completed by the Circle Officer, Siwan Sadar under the supervision of respondents no. 2 and 3.

The Addl. Collector, Siwan is directed to ensure that his order dated 7.9.2015 at Annexure 2 is complied by the person holding the post of Circle Officer, Siwan Sadar.

The writ petition is allowed with the directions aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.05.2017
Transmission Date	NA

