

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6638 of 2016

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1. Krishna Mohan Pathak Son of Janardan Pathak Resident of Village- Ariaon,
Police Station- Krishna Braham District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Social Welfare Government of Bihar,
Patna.
3. The Secretary, Department of social Welfare, Government of Bihar, Patna.
4. The Director, Integrated Child Development Service (I.C.D.S), Bihar Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Adv.

For the Respondent/s : Mr. Jai Shankar Barnwal, G.A.5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-03-2017

The prayer of the petitioner is for issuance of a writ in the nature of mandamus commanding the authorities of the Welfare Department to allocate the District of his choice as per the option exercised by him in the matter of appointment and posting of the clerks under the Bihar Integrated Child Development Clerical Cadre Rules,2014.

According to the petitioner he had joined as a Supervisor on 1.8.1985 and thereafter brought into regular cadre as a Clerk under the Welfare Department in the year 2006. It is the case of the petitioner that the Bihar Integrated Child Development Clerical Cadre (Appointment and Service Condition), Rules 2014 was framed by the State and notified vide Notification No.2280 dated 19.5.2014. As



explained by the State in the counter affidavit, the Clerical cadre was declared as a District Cadre. Options were invited from the person serving the post and when the petitioner gave his option for his Home District –Biharsharif, Bhojpur and Buxar as is reflecting from the document enclosed at Annexure-5 to the supplementary affidavit. The document enclosed with Annexure-5 reflects that following the petitioner was allocated the district of Buxar. The counter affidavit reflects that following the allocation of districts made vide Notification dated 24.11.2014 at Annexure-5, objections were raised as to the allocation and as a result the notification No. 613 dated 24.11.2014 was stayed vide Memo No. 6957 dated 29.12.2014. Vide order dated 27.11.2015 those who had joined in the allocated district were directed to return back to their previous post, held by each of them. A Committee was constituted and whereafter fresh postings have been made whereunder the petitioner have been allocated District Siwan which aggrieves him.

The counter affidavit acknowledges the representation filed by the petitioner as against his posting received on 1.2.2016 as admitted in paragraph 21 of the counter affidavit and which is pending for disposal before the Principal Secretary of the Department.

Having heard learned counsel for the parties and considering that the matter remains pending before the Principal Secretary on the



representation so filed by the petitioner as accepted at paragraph 21 of the counter affidavit, I deem it proper to dispose of the writ petition with the direction to the Principal Secretary, Welfare Department to consider and dispose of the representation of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2017
Transmission Date	NA

