

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12318 of 2016

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1. Parmeshwar Mehra, Son of Late Rampati Mehra, resident of village - Baira, P.O. & P.S. Jai Nagar, District – Madhubani.
 2. Manoj Kumar, Son of Late Gunshi Ram, resident of village - Pasapur, P.O. & P.S. Charpokhri, District – Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer -in- Chief Cum Additional Commissioner -Cum- Special Secretary Road, Construction Department, Govt. of Bihar, Patna.
4. The Secretary, Road Construction Department, Government of Bihar, Patna.
5. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
6. The Engineer - in - Chief -Cum - Additional Commissioner -Cum- Special Secretary, Rural Works Department, Government of Bihar, Patna.
7. The Secretary, Rural Works Department, Government of Bihar, Patna.
8. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
9. The Engineer -in- Chief -cum- Additional Commissioner -cum- Special Secretary, Building Construction Department, Government of Bihar, Patna.
10. The Secretary, Building Construction Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.
Mr. Pankaj Kumar Sinha, Adv.
For the Respondent/s : Smt. Shilpa Singh, GA-12
Ms. Abhanjali, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-07-2017

Heard Mr. Jai Prakash Singh, learned counsel appearing
for the petitioners and learned counsel for the State.

While the petitioners herein seek mutual transfer in view
of the policy decision present at Annexure-1, it has not taken shape
because the parent department of petitioner no.1, has not given
consent to release him.



Although an issue was raised by learned counsel for the petitioners that the refusal is without any reason and that the reason so assigned in the counter affidavit regarding work pending with the petitioner no.1, is not correct as well, that the order is not passed by the proper authority but in view of the statement present in the supplementary counter affidavit and the stand taken by the parent department of the petitioner no.1 who apparently does not want to release him this Court would not exercise extraordinary writ jurisdiction to force the respondent department to release the petitioner no.1 for it is only on a mutual consent expressed by the controlling department as well, that any mutual transfer can take place following the policy decision at Annexure-1.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-08-2017
Transmission Date	NA

