

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4322 of 2016

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1. Kamalwas Rai Son of Ramayan Rai Resident of village - Bansipur, Police Station Sahpur, District - Bhojpur at Ara
 2. Arvind Kumar Singh Son of Late Ramvakil Singh Resident of village - Lahang Dumariya, Police Station Bihiya, District - Bhojpur at Ara
 3. Hazari Prasad Son of Late Naresh Prasad Resident of village - Sahi Bigha, Police Station - Ghosi, District - Jehanabad
 4. Kailash Prasad Yadav Son of Khantar Prasad Yadav Resident of village - Koshli, Police Station Jagdishpur, District - Bhagalpur
 5. Ramashankar Singh Son of Late Parmanand Singh Resident of village - Karhi Shyampur, Police Station Basantpur, District - Siwan
 6. Samar Kumar Ghosh Son of Late Nitai Chandra Ghosh Resident of village - Virpur, Police Station Virpur, District - Supoul

.... Petitioner/s

Versus

1. The Union of India through Ministry of Home Affairs, Government of India, New Delhi
2. The Secretary, Home (Special) Department, Government of India, New Delhi
3. The Secretary, Ministry of Personnel, Public Grievances and Pension, Government of India, New Delhi
4. The State of Bihar
5. The Principal Secretary, Home (Special) Department, Government of Bihar, Patna
6. The State of Jharkhand
7. The Principal Secretary, Home (Special) Department, Government of Jharkhand, Ranchi
8. Naresh Oraon Son of Late Sahadeo Oraon Resident of village - Cura Dohar, Police Station Patan, District - Palamu, Jharkhand
9. Shivrant Oraon Son of Raghuvar Oraon Resident of village - Navadih, Police Station Daltengunj, District - Palamu, Jharkhand
10. Sanjeev Nayak Son of not Known to Petitioners, Address not known to the petitioners resident of village - XX, Police Station not known, District not known
11. Phooldeo Mahto Son of not Known to Petitioners, Address not known to the petitioners resident of village - XX, Police Station not known, District not known
12. Kisun Kisku Son of Sukhu Kisku Resident of village - Madanpur, Police Station - Giridih Mufassil, District - Giridih
13. Laxman Purti Son of not Known to Petitioners, Address not known to the petitioners resident of village - not known, Police Station not known, District not known

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Satya Prakash, Adv.
For the Respondent/s : Mr. R.B. Prasad Yadav, AAG 11
For the State of Jharkhand: Mr. Dhrub Mukharjee, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN



ORAL JUDGMENT

Date: 13-04-2017

Heard Mr. Bindhyachal Singh learned counsel for the petitioners along with Mr. Satya Prakash, learned counsel, Mr. Drub Mukharjee learned counsel appearing for State of Jharkhand and Mr. R.B. Prasad Yadav learned AAG 11 for the State.

The petitioners by way of this writ petition seek a writ in the nature of mandamus commanding the State of Bihar and the State of Jharkhand to allow them the benefit of mutual transfer which process according to the petitioners, was initiated in the year, 2011 vide Annexure-6 which is dated 28.6.2011. It is the universal stand of Mr. Mukharjee learned counsel for the State of Jharkhand and Mr. Yadav learned Additional Advocate General for the State of Bihar that the cut of date for the purpose was fixed as 30.4.2011 for finalization of inter State transfer. Even though the petitioners chose to raise issue which was initiated as back as on 28.6.2011, there is absolutely no explanation as to the delay of 5 years in approaching the Court.

Learned counsel for the petitioners has relied upon an order of this Court passed in **C.W.J.C.No.14601 of 2013 (Sona Ram Gope vs. Union of India)** to submit that a similar issue being raised and remanded to the authorities to consider the prayer, has resulted in an order bearing Memo No.9285 dated 30.9.2014 allowing the mutual transfer and the case of the petitioner is covered by the directions.



In my opinion apart from the fact that the petitioner has leisurely awaken from his deep slumber to raise an issue which dates back 5 years, even a reliance on the order of this Court passed in the case of **Sona Ram Gope**(supra) on 9.9.2013 as well as the consequential order passed by the State of Bihar in its Home (Special) Department would not come to their aid because even though the said exercise was concluded on 30.9.2014, the petitioners have chosen to rise after a lapse of two years to file the present writ petition.

In my opinion the petitioners are fence sitters. The leisurely approach to this Court for raising their grievances which was initiated way back in the year 2011, would not persuade this Court to grant indulgence to the prayer made.

The writ petition is dismissed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	02.05.2017
Transmission Date	NA

