

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9412 of 2017

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Ashwani Kumar, S/o Late Ram Avtar Katiyar, Resident of Village - Hathuma, Police Station - Derapur, District - Kanpur Dehat (U.P.) and presently posted as Deputy Director, Agricultural Engineering, Soil Conservation, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Additional Secretary, Department of Agriculture, Government of Bihar, Patna.
4. The Deputy Secretary, Department of Agriculture, Government of Bihar, Patna.
5. Sri Vjay Prakash, son of not known, presently posted as District Agriculture Officer, Sheohar, Department of Agriculture, Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
Mr. Avinash Kumar, Advocate
Mr. Rajeev Shekhar, Advocate

For the State : Mr. Chitranjan Sinha (PAAG-2)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 07-09-2017 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner seeks to assail an order dated 30.06.2017, contained in Memo No.2588 (Annexure 2), by which he has been transferred from Gaya as Deputy Director, Soil Conservation, to Sheikhpura.

It is submitted that on 23.06.2016, merely a year prior to the present order of transfer, the petitioner had been transferred



from Nawada to Gaya on the same post. However, for no apparent reason and for reasons best known to the respondents, the petitioner is once again sought to be shifted to another place of positing. It is further submitted that such order of transfer of recurrent nature has not been appreciated by the Courts. The instruction dated 30.06.2009 clearly states that on representation being made by the employee against such transfer, the same will be considered sympathetically.

Considering the fact that the petitioner's representation has not yet been disposed of, it is directed that the petitioner shall appear with a copy of this order before the concerned authority, namely, the Principal Secretary, Department of Agriculture, Bihar, Patna (Respondent No.2), who shall dispose of the representation of the petitioner after considering the circulars, which have been available with the Department and in the light of the instructions, which have been issued in this regard in the past. Respondent No.2 shall also consider the history of the petitioner, especially that the petitioner had been shifted from Sheikhpura in the light of the F.I.R. lodged by him against the persons, who had given threat to his life and had been disturbing him in the performance of his duties. The said representation shall be disposed of within a period of four weeks on



receipt/production of a copy of this order. In the meantime, if the petitioner has not been relieved, he shall not be disturbed.

With the aforesaid observations and directions, the writ application stands disposed of.

(Anjana Mishra, J)

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