

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14074 of 2017

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1. Chhote Lal Prasad, Son of Late Khub Lal Prasad, Resident of Mohalla-Jagdeo Nagar, Baollia Road, Sasaram, Police Station-Sasaram, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Principal Secretary, Department, of Social Welfare, Bihar. Patna.
3. The Director, Directorate of Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna.
4. The District Magistrate, Rohtas, Sasaram.
5. The District Programme Officer, Rohtas.
6. The Child Development Project Officer, Kargahar, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.

For the Respondent/s : Mr. Prashan Pratap - GP2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-11-2017

Heard learned counsel for the parties.

It is on a vigilance complaint which lacks foundation, a copy of which is present at Annexure-2 series, that the petitioner has been transferred.

Mr. Gyan Shankar learned A.C. to G.P.2 informs that some kind of proceeding has been initiated. This Court does not express any opinion on the right of the State to do so.

Law is well settled and a transfer based on a complaint against the Government servant concerned, is to be proceeded with a notice on the complaint so that he can explain the situation.



Apart from the fact that the complaint also lacks foundation, the very fact that the transfer has taken place without opportunity of hearing to the petitioner, the order of transfer bearing Memo No.498 dated 31.07.2017 of the District Programme Officer cannot be upheld and is accordingly quashed and set aside. The writ petition is allowed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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