

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16786 of 2017

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Dhannjay Kumar S/o Jagdish Narayan Singh R/o muhallh-Jaganpura, P.S.
Ramkrishna Nagar in the District of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human resources Department, Govt of Bihar.
2. The director Primary Education, Govt. of Bihar, Patna.
3. The Deputy Director Govt. of Bihar, Patna.
4. The District Education Officer, Govt. of Bihar.Patna.
5. The Deputy Development Commissioner, Govt. of Bihar, Patna.
6. The Regional Deputy of Director of Education, Govt. of Bihar, Patna.
7. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. MADANJEET KUMAR-GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 22-11-2017 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

The petitioner has filed the writ application challenging
the order contained in memo no. 9144 dated 31st October, 2017
whereby the petitioner has been transferred.

Counsel for the petitioner submits that the petitioner is
physically challenged person and as such he deserves
sympathetic consideration in the matter of posting. He submits
that earlier transfer order was cancelled and thereafter without
considering the peculiar case of the petitioner, i.e., his physical
incapability in carrying out the order of transfer and joining the



transferred place, he submits that the transfer order is without appreciating the peculiar facts and circumstances of the case of the petitioner which is unsustainable.

Counsel for the State submits that transfer is an incidence of service and if the petitioner has any grievance as to inconvenient place of posting on account of his physical incapability, the proper course would have been to file representation before the Respondent No. 2 who can look into the grievance of the petitioner and consider the difficulty of the petitioner and pass appropriate order of posting in the light of his representation.

In view of the submission advanced by the parties, it would be appropriate that this Court may dispose of the writ petition with liberty to the petitioner to file representation before the Respondent No. 2, Director, Primary Education, Government of Bihar, Patna. If such representation is filed by the petitioner within a period of two weeks along with a copy of this order, the Respondent No. 2 is expected to dispose of the case of the petitioner and pass appropriate order of posting considering the fact that the petitioner is physically challenged and his case should be considered sympathetically within a



period of one month from the date of filing of the representation
along with a copy of this order.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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