

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2064 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 10574 of 2015

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Ramdev Gupta @ Ramdev Prasad Gupta S/o late Raghunath Gupta, resident of village- Sakarpura, P.O.+P.S.- Sakarpura, District- Madhepura at present transferred in the Office of Deputy Superintendent, Physical Education, Kaimur at Bhabhua.

.... Appellant/s

Versus

1. The State of Bihar, through the Secretary, Art, Culture and Youth Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Art, Culture and Youth Department, Govt. of Bihar, Vikas Bhawan, Patna.
3. The Director, Student and Youth Welfare, Art, Culture and Youth Department, Govt. of Bihar, Vikas Bhawan, Patna.
4. The Divisional Superintendent, Physical Education, Koshi Division, Saharsa.
5. The District Sports Officer, Saharsa.
6. District Sports Officer, Purnia.
7. Deputy Superintendent of Physical Education, Araria.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Pramod Kumar Mallick, Advocate.

For the Respondent/s : Mr. Vikash Kumar, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 14-02-2017

Re.: I.A. No.9099 of 2015



This application is for condonation of delay of 5 days in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal.

Consequently, Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No.2064 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 04.08.2015 whereby, the challenge to the transfer of the appellant from Purnea to Araria remained unsuccessful.

Learned Single Bench recorded a finding that the appellant remained posted at Saharsa for last 20 years and soon after his transfer to Purnea, he made an application to be accommodated somewhere in and around Saharsa. The Court found that since the appellant has put half of his service at one place, therefore, he should be posted at farthest place.

Since the appellant has been transferred within same Division i.e. from Saharsa to Purnea and Purnea to Araria, we do not find such transfer is anyway illegal or unwarranted which may



warrant interference in the present Letters Patent Appeal.
Accordingly, the same is dismissed.

(Hemant Gupta, ACJ)

Mishra/-

(Sudhir Singh, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.02.2017
Transmission Date	

