

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3931 of 2017

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Munmun Ji Tiwary, son of Late Ram Ekbal Tiwary, resident of Rohtas Bhawan,
Magadh Colony, Kurzi, Police Station- Digha in the District of Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Additional Director General of Police (HQ), Bihar, Patna.
5. The Inspector General of Police, Patna Zone, Patna.
6. The Assistant to Inspector General of Police, (Welfare), Bihar, Patna.
7. The Deputy Inspector General of Police, Shahabad Range, Dehri-on-Sone, Rohtas.
8. The Superintendent of Police, Ara, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate.

For the Respondents : Mr. Partha Sarthi, GA-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-09-2017

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing the order contained in Memo No. 1153 dated 27.01.2017 issued under the signature of respondent no. 6 only to the extent of petitioner by which application submitted by the petitioner in pursuance to the order dated 14.12.2016 passed in C.W.J.C. No. 16050 of 2016 to allow him to remain posted at Bhojpur has been rejected.

3. Learned counsel for the petitioner submits that by memo no. 2535 dated 01.09.2016 (Annexure-8) he was transferred



from Bhojpur to Kaimur against which he approached this Court in C.W.J.C. No. 16050 of 2016 which was disposed of on 14.12.2016 granting liberty to the petitioner to file an appropriate application if he was seeking indulgence on humanitarian ground. The petitioner accordingly filed his representation dated 22.12.2016 before the Director General of Police, Bihar, Patna, which however has been rejected in terms of the impugned order as contained in Memo No. 1153 dated 27.01.2017 without assigning any reason.

4. Learned counsel for the respondents, on the other hand, relies on the counter affidavit to submit that the impugned order is in fact merely a consequential order and the detailed reasons for rejecting the claim of the petitioner are to be found in Memo No. 1988/P3 dated 16.02.2017 (Annexure-A to the counter affidavit) in which detailed reason has been given for rejection of the petitioner's request.

5. Having heard the parties and on a consideration of the materials on record, this Court does not find any infirmity in the action of the respondents. The detailed order dated 16.02.2017 (Annexure-A to the counter affidavit) has been passed in which due consideration to the claim of the petitioner has been made and a speaking order has been passed.

6. The writ petition is accordingly disposed of with liberty to the petitioner to question the order dated 16.02.2017



(Annexure-A to the counter affidavit), if so advised, in accordance with law.

Md. Ibrarul/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.09.2017
Transmission Date	N.A.

