

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9224 of 2017

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1. Prem Prakash Son of Late Jay Narayan Jha, Resident of Village- Bhattawalia,
P.S.- Sangrampur, District- East Champaran, Bihar.

.... Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Public Health Engineering Dept.,
Visveshvaraiya Bhavan, Bailey Road, Patna.
2. Engineer-in- Chief- Cum- Special Secretary, Bihar, Patna.
3. Chief Engineer (M), P.H.E.D., Govt. of Bihar, Patna.
4. Chief Engineer, Muzaffarpur Region, PHED, Muzaffarpur.
5. Superintending Engineer, PHED, PH Circle, Motihari.
6. Executive Engineer, Bettiah Division, Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, A.C. to SC4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-08-2017

Heard Mr. Yesraj Bardhan, learned counsel for the petitioner
and Mr. Upendra Pratap Singh, A.C. to S.C.4 for the State.

In the nature of order which this Court proposes to pass it
would not be required to await a filing of the counter affidavit.

The petitioner is aggrieved by his transfer order bearing Memo
No.313 dated 30.6.2017 whereby he has been transferred from Public
Health Division, Bettiah to the Public Health Division, Dhaka on the
post of Accounts Clerk. The grievance of the petitioner that he has
already served in the Public Health Division, Dhaka with effect from
1.11.2008 to 17.9.2014 and in terms of the advisory issued by the
Public Health Engineering Department under the signature of the
Secretary dated 13.6.2017 more particularly paragraph 3 thereof, no



person can be posted or sent on deputation in the same work division where he has earlier served. He thus submits that the transfer order impugned at Annexure-2 dated 30.6.2017 passed by the Superintending Engineer is contrary to paragraph 3 of the advisory issued by the Secretary, Public Health Engineering Department dated 13.6.2017 present at Annexure-1.

Having heard learned counsel for the parties and considering the advisory present at Annexure-1 and taking note of the specific statement made by the petitioner at paragraph 5 of the writ petition that he has already served at Dhaka with effect from 1.11.2008 to 17.9.2014, I deem it proper to direct the Superintending Engineer to consider his decision on the transfer of the petitioner to Dhaka and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt/production of a copy of this order.

The writ petition is allowed with the directions aforementioned.

It goes without saying that until the grievance raised by the petitioner as against his transfer is disposed of by the Superintending Engineer, the transfer order bearing Memo No.313 dated 30.6.2017 in so far as it concerns the petitioner, shall remain in abeyance.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.08.2017
Transmission Date	NA

