

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6318 of 2016

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Surya Narain Chaudhary Son of Late Bhubneshwar Chaudhary Resident of village
- Dhakjari, P.S. Andharatharhi, District - Madhubani

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme, Second Floor, Indira Bhawan, Ram Charitra Singh Path, Patna
3. The Establishment Officer, Head Quarter, ICDS Directorate, Second Floor, Indira Bhawan, Ram Charitra Singh Path, Patna
4. The District Magistrate, Darbhanga, District Darbhanga
5. The District Programme officer, Darbhanga
6. The Child Development Project officer, Bahadurpur, District - Darbhanga

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashutosh Nath, Adv.
Mr. Binod Kumar, Adv.
Ms. Mitali, Adv.

For the Respondent/s : Mr. Vikas Kumar, AC to AG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-07-2017

Heard Mr. Ashutosh Nath, learned counsel for the petitioner
and Mr. Vikas Kumar, AC to AG, for the State.

The petitioner while submitting that he was initially posted
as a Clerk in the district of Darbhanga at Manigachi submits that on
enforcement of Bihar Integrated Child Development Clerical Cadre
Rules, 2014 although he had opted for the district of Madhubani but
has been transferred to the district of Madhepura contrary to his
option.

Learned counsel submits that since the cadre is a district
cadre, he could not be posted out contrary to his option. Learned
counsel has referred to the opinion expressed by this Court on similar



issue arising from C.W.J.C.No.4192/2016 (**Pawan Kumar v. the State of Bihar & ors.**) and analogous cases and prays for disposal of the writ petition on similar terms drawing the attention of this Court to the representation filed on behalf of the petitioner before the Principal Secretary, a copy of which is placed at Annexure 9 to the writ petition.

Learned counsel for the State expresses no serious objection to the suggestion.

This Court while considering similar issue arising in the case of Pawan Kumar and analogous cases (supra) as well as taking note of the stipulations present in the Bihar Integrated Child Development Clerical Cadre Rule, 2014 which made the cadre as district cadre as well as taking note of the stand of the State in its Department of Social Welfare where it is stated that most of the Clerks have been accommodated as per their option in order of seniority but where the vacancies were less than the option, that they have been accommodated in the nearby district, disposed of the writ petition with a direction to the Principal Secretary, Social Welfare Department, to consider the request of the petitioners of the said writ petitions.

Having heard learned counsel for the parties and considering the earlier opinion expressed by this Court on the issue, as well as bearing in mind the representation filed by the petitioner, I



deem it proper to direct the Principal Secretary, Department of Social Welfare to consider the request of the petitioner regarding his choice option for the district of Madhubani and dispose of the same by a speaking order within a period of three months from the date of receipt/ production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2017
Transmission Date	NA

