

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10710 of 2015

=====

Seema Kumari, W/o Pankaj Kumar, Resident of Village- Situhaar, PO +
P.S.- Haweli Kharagpur, District- Munger, presently posted as lady police
in Deoghar Police Force, Jharkhand

.... Petitioner/s

Versus

1. The Union of India through Ministry of Home affairs, Government of India, New Delhi,
2. The Secretary, Home (Special) Department, Government of India, New Delhi,
3. The State of Jharkhand,
4. The Principal Secretary, Home (Special) Department, Government of Jharkhand, Ranchi,
5. The State of Bihar
6. The Principal Secretary, Home (Special) Department, Government of Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Adv.
For the UoI : Mr. Rajesh Kr. Verma, Adv.
For State of Jharkhand : Mr. Dhruv Mukherjee, Adv.
For the State : Mr. Alok Kumar, AC to SC-5

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-09-2017 Heard Mr. Sanjeev Nikesh, learned Counsel

appearing on behalf of the petitioner, Mr. Rajesh Kumar Verma,
learned Counsel appearing on behalf of respondent nos. 1 and 2,
Mr. Dhruv Mukherjee, learned Counsel appearing on behalf of
respondent nos. 3 and 4 and Mr. Alok Kumar, learned AC to SC-
5, appearing on behalf of respondent nos. 5 and 6.

The present Writ application has been filed for a
direction to respondent State of Bihar to consider the checklist



provided by the Jharkhand Government for mutual transfer of the petitioner from the State of Jharkhand to the State of Bihar in pursuance to the Bihar Reorganization Act, 2000, contained in Letter No.1330, dated 17.02.2014, as contained in Annexure-3 to the writ application.

The stand of the State of Bihar, as gets reflected from the counter affidavit filed on behalf of respondent no.6 is to the effect that the Ministry of Personnel, Public “Grievance and Pension, Government of India, vide letter No.F.No. (C)/27/2009 SR (S) dated 09.12.2009, advised the State Government to consider the cases of desirous employees of regional cadre for inter state transfer on mutual basis and in pursuance to the same, the Government of Bihar with the consent of Jharkhand Government formulated a policy, for inter-state transfer on mutual basis of officers/employees belonging to Regional Cadre Employee/Officers i.e. Divisional/ District Cadre, and the same was circulated through letter no.993, dated 27.01.2010, as contained in Annexures- B and C to the counter affidavit filed on behalf of the respondent - State. So far as claim of the petitioner is concerned, since she, being a Constable, was on a District cadre post, hence her claim was not forwarded under the provisions of the aforementioned Act. Moreover, the recommendation made by



the State of Jharkhand for mutual transfer was rejected vide memo no. 12930, dated 09.12.2015, issued under the signature of Deputy Secretary, Home (Special) Department, Government of Bihar, as contained in Annexure-E to the counter affidavit filed on behalf of the respondent State.

It is submitted by Mr. Dhruv Mukherjee, learned Counsel appearing on behalf of the State of Jharkhand that the last date for exercise of option for mutual transfer was 31.10.2014, which was communicated through Memo No. 6911, dated 04.08.2014, issued under the signature of Special Secretary, Home (Special) Department, Government of Bihar.

In view of the above facts, the writ application has become infructuous.

Accordingly, the Writ application is disposed of with a liberty to the petitioner, if she is so advised, that she may challenge the order rejecting her claim for mutual transfer in appropriate proceeding.

(Dinesh Kumar Singh, J)

Ashwini/-

U			
---	--	--	--

