

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16599 of 2016**

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Krishna Murari Kumar Son of Nand Deo Ram Resident of Village-  
Hazipur, Dhobi tola, Ward No. 20, P.S. +District - Khagaria, At Present  
Posted as Executive Assistant, Mansi Block , P.S. Mansi, District Khagaria.  
.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
  2. The District Magistrate, Khagaria.
  3. Additional Collector (Public Problems Solution) Khagaria.
  4. Establishment Deputy Collector, Khagaria.
  5. District I.T. Manager, Khagaria.
  6. Circle Officer, Khagaria.
  7. Block Development Officer, Mansi, Khagaria.
  8. Sri Sujit Kumar, Executive Assistant Circle Officer, Khagaria.
- .... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Ram Hriday Prasad, Adv.  
For the Respondent/s : Mr. P.N.Sharma, AC to AG

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      01-07-2017                      Heard learned counsel for the parties.

The term and condition of appointment of the petitioner on the post of Executive Assistant on contract basis stipulated that the appointment is non-transferable as manifest from the appointment order bearing Memo No. 462 dated 10.8.2011, a copy of which is placed at Annexure 1.

The grievance of the petitioner is that the District Magistrate, who is the appointing authority, by issuing transfer order at Annexure 2, has violated this condition without modifying the terms of appointment. Feeling aggrieved the petitioner has represented before the District Magistrate on 17.10.2014 but to no



avail and the matter remains pending.

Having heard learned counsel for the parties and considering that the term and condition of appointment as present in the appointment order enclosed at Annexure 1 itself shows that the service was non-transferable, it is for the District Magistrate himself to consider as to the change in the term and condition and as to how the transfer order has been passed in violation of Condition No.2 of the appointment order. A representation to such effect having been filed by the petitioner at Annexure 2, I deem it proper to dispose of the writ petition with the direction to the District Magistrate, Khagaria to consider and dispose of the same in accordance with law within a period of six weeks from the date of receipt/ production of a copy of this order.

The writ petition is disposed of with the aforementioned directions.

Surendra/-

**(Jyoti Saran, J)**

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