

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11088 of 2014

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Kailash Mahto son of Govind Mahto, resident of village- Barkagaon (Chatti),
District- Hazaribagh, Jharkhand. Presently posted as Assistant Consolidation
Officer, Jagdishpur, Bhojpur, Bihar Petitioner

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms
Department, Govt. of Bihar, Patna
 2. The Principal Secretary, Department of Home (Special), Govt. of Bihar, Patna
 3. Joint Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
 4. Deputy Secretary, Revenue and Land Reforms Department, Govt. of Bihar,
Patna
 5. Principal Secretary, Revenue and Land Reforms Department, Jharkhand,
Ranchi
 6. The Union of India through Principal Secretary to the Govt. of India
(Department of Personal and Training) Ministry of Personal Public Grievances
and Pensions, Lok Nayak Bhawan, Khan Market, New Delhi
.... Respondents
- =====

Appearance :

For the Petitioner : Mr. Rajesh Kumar Singh, Advocate
Mr. PK Das, Advocate
For Bihar : Mr. Rasmadhar Singh, GP 25
For Jharkhand : Mr. A.Kr.Chongdar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 05-12-2017

The writ petition has been filed for a relief that the petitioner may be transferred to the State of Jharkhand as his applications in this regard have already been rejected vide order dated 22.7.2012, issued by the Under Secretary, Department of Personnel and Training, Government of India as also by order contained in Letter no. 495 dated 28.10.2013, issued by the Deputy Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.

Petitioner had participated in the process of appointment



initiated in the year 1990 against the vacancies occurring in the respective departments between 1.1.1990 to 31.12.1993. Counsel for the petitioner submits that the advertisement of appointment as well as the procedure of selection pursuant to the advertisement had been completed before the bifurcation of the State, as such, the petitioner is entitled to claim his transfer to the State of Jharkhand.

The petitioner was appointed on the post of Assistant Consolidation Officer, Jagdishpur, Bhojpur vide letter no. 144 dated 19.4.2011. He joined his service on 1.7.2011 in view of his posting by the Revenue and Land Reforms Department, State of Bihar, Patna vide letter no. 260 dated 30.6.2011 (Annexure 3), which is about 11 years after creation of State of Jharkhand. The petitioner had accepted the appointment under the State of Bihar with open eyes and has joined pursuant thereto on 1.7.2011.

The petitioner's wife filed an application for petitioner's transfer before the Government of India, which was the appropriate authority under section 72 of the Bihar Reorganization Act, 2000 (herein after referred to as the Act) which was rejected vide letter dated 21.7.2012, issued by the Under Secretary, Department of Personnel and Training, Government of India on the ground that his appointment under the State of Bihar was of the year 2011, eleven years after the bifurcation of the State.



Order dated 21.7.2012 discloses that the case of the petitioner was considered and examined in the light of the provisions of the Act and since he had been appointed pursuant to the letter dated 30.6.2011, issued by the Revenue and Land Reforms Department, State of Bihar, Patna vide letter no. 260 dated 30.6.2011 (Annexure 3), his case for cadre allocation for the State of Jharkhand was not considered in view of Section 72 of the Act. From perusal of the said order, it also appears that the petitioner has no indefeasible claim and he cannot invoke the writ jurisdiction of the Court in such transfer matter at such a belated stage.

In view of the facts discussed above, the orders/letters dated 28.10.2013 as well as 21.7.2012 do not warrant interference, as the same have been passed after considering the claim of the petitioner.

The writ petition stands dismissed.

(Madhuresh Prasad, J)

Shashi.

NAFR	
CAV DATE	NA
Uploading Date	11.12.17
Transmission Date	NA

