

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11861 of 2017

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Sitaram Paswan, Son of Late Shiv Nandan Paswan, Upper Divisional Clerk,
District- Samajik Suraksha Koshang, Sitamarhi, Resident of Village + P.O.-
Mehsaul @ Rampur, Lakshman, Ward No. 10, P.S.- Dumra, District- Sitamarhi,
Pin Code- 843302.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, State of Bihar, Patna.
2. The Principal Secretary General Administration Department, State of Bihar, Patna.
3. The Collector- cum- District Magistrate, Sitamarhi.
4. The Divisional Commissioner, Tirhut Pramandal Muzaffarpur, Bihar.
5. The Assistant Director, District Samayik, Sraksha Koshang, Sitamarhi.
6. The Circle Officer Anchal Belsand, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Adv.

Mr. Virendra Kumar, Adv.

For the Respondent/s : Mr. Shailendra Kumar, AC to GP5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-01-2018

Heard Mr. Alok Kumar, learned counsel for the petitioner
and Mr. Shailendra Kumar, learned AC to GP-5, for the State.

The petitioner is aggrieved by the transfer order bearing
Memo No. 36 dated 30.6.2017 passed by the Collector, Sitamarhi,
whereby the petitioner has been transferred from District Social
Security Cell, Sitamarhi to the Circle Office, Belsand with his name
appearing at serial no.3 of the transfer order.

Mr. Alok Kumar, learned counsel for the petitioner, in
reference to the reasons for transfer as is mentioned in the order
submits that it is on a premise that the petitioner completed three



years of stay that he has been transferred even when the petitioner had been posted to the District Social Security Cell, Sitamarhi merely a year ago vide order bearing Memo No. 656 dated 30.6.2016, a copy of which is enclosed at Annexure 1 to the writ petition with the name of the petitioner appearing at serial no.86. He thus submits that it is apparently due to oversight that the petitioner has been transferred out.

It is taking note of these circumstances that the respondents were directed to file counter affidavit vide order passed on 7.9.2017 and when it is explained at paragraph 6 of the counter affidavit that since the petitioner is amongst senior Clerks in the district and most of the senior Clerks have superannuated in the meantime that it was decided to post senior Clerks where it was needed and it is in this connection that the petitioner has been posted at the Circle Office, Belsand. Although the reasons assigned in the counter affidavit do not support the reasons which finds mentioned in the order of transfer present at Annexure 2 but it is informed that following the transfer order passed on 30.6.2017 the petitioner has been relieved from his position at the District Social Security Cell, Sitamarhi on 15.7.2017 and has already given his joining at Circle Office, Belsand, Sitamarhi albeit under protest, as stated by Mr. Alok Kumar.

Considering that the petitioner has been relieved on



15.7.2017 and whereafter he has given his joining at Circle Office at Belsand which is an intra district transfer, I am not persuaded to interfere with the same even though the reasons assigned in the counter affidavit do not support the reasons for transfer. However, in the circumstances, I deem it proper to direct the Collector, Sitamarhi to consider the grievance raised by the petitioner at Annexure 4 to the writ petition as well as in the circumstances discussed hereinabove and dispose of the same within a period of six weeks from the date of receipt/ production of a copy of this order.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2018
Transmission Date	NA

