

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.323 of 2018
IN
Civil Writ Jurisdiction Case No. 4234 of 2014**

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Praduman Tiwari, son of Shri Kedar Nath Tiwari, Resident of Rampur, P.S. Samastipur Mufassil, District Samastipur, presently posted as Police Sub- Inspector in the Cabinet (Vigilance) Department, Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Commissioner-cum- Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The Director General, Cabinet Vigilance Department, Govt. of Bihar, Patna.
6. The Commissioner, Cabinet Vigilance Department, Govt. of Bihar, Patna.
7. The Deputy Inspector General of Police (Personnel) in the Office of Director General, Bihar, Patna.
8. The Deputy Inspector General of Police Cabinet Vigilance Department, Govt. of Bihar, Patna.
9. The Superintendent of Police, Cabinet Vigilance Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. S.S. Thakur and
Mr. Arvind Kumar, Advocates.

For the Respondent/s : Dr. Mankeshwar Tiwary, AC to AAG 3.

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2018

Seeking exception to an order passed by the learned Writ



Court on 26.02.2018 in CWJC No. 4234 of 2014, this appeal has been filed under Clause 10 of the Letters Patent.

In the Writ Petition the petitioner had challenged the order of transfer dated 06.12.2013 by which he was transferred from the Vigilance Investigation Bureau, Bihar to Police Zone, Darbhanga.

Finding that the petitioner is to retire in the year 2018 and the petitioner has already joined on the transferred post, the learned Writ Court has refused to interfere in the matter. In our considered opinion, the learned Writ Court in doing so has not committed any error.

Learned counsel for the appellant tried to indicate before us that the petitioner has not joined on the transferred post and, therefore, the issue should have been decided on merit. However, from the order dated 27.08.2014 passed by the learned Writ Court in CWJC No. 4234 of 2014, we find that the petitioner's counsel made a statement while hearing on the question of posting on 27.08.2014 that the petitioner has not joined at the new place of his posting.

Taking note of all these facts and circumstances, once the order passed on 27.08.2014 in the Writ Petition subsists without being modified or stayed, we see no reason to make indulgence in the matter now when the petitioner is to retire in 2018 itself.

Accordingly, finding no case for interference, keeping all



options open for consideration in appropriate case we dispose of this appeal.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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