

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13478 of 2018**

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Anita Kumari, W/o Rashernath Singh, Vill. Badi Bhegiemarii, P.O.+P.S. Pirpanti, Bhagalpur, Distt. Bhagalpur, Pin Code:- 853205, Bihar.

... .. Petitioner/s

Versus

1. Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. Joint Secretary, Social Welfare Department, Government of Bihar, Patna.
3. Deputy Secretaries, Social Welfare Department, Government of Bihar, Patna.
4. Director/Managing Director, Social Welfare Department, Government of Bihar, Patna.
5. District Magistrate, Bhagalpur, Bihar.
6. District Programme Officer, Bhagalpur, Bihar.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Rajendra Prasad Singh, Sr. Adv.<br>Mr. Rajeev Kumar Singh, Adv. |
| For the Respondent/s | : | Mr. Prashant Pratap -GP2                                            |

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL JUDGMENT**

**Date : 03-08-2018**

Heard learned counsel for the parties.

In this case, the petitioner is challenging the order of transfer contained in Memo No. 3560 dated 29.6.2018 having been transferred the petitioner from Perpainti, Bhagalpur to Madhuban, Peprasi, West Champaran.

Learned counsel for the petitioner submits that her husband is posted at Bhagalpur and, therefore, she should be allowed to continue there but, nowhere she has disclosed that her husband is a government servant rather during argument, it was transpired that her husband is a data operator, cannot be treated to



be an employee of the Government nor the employee of the Corporation and, in such circumstances, the reliance cannot be placed to the circular of the State Government, inasmuch as, the circular is directory in nature and cannot be enforced by the court of law in a situation when the administrative demand requires.

Learned counsel for State has also placed reliance on the judgment in the case of State of U.P Vs. Gobardhan Lal reported in (2004) 11 SCC 402 and this Court found that the petitioner was put under suspension earlier and, after release, she has been sent to West Champaran.

This Court is not interfering with the order of transfer of the petitioner. However, the petitioner will be at liberty to file an application before the competent authority who will consider the grievance of the petitioner and will take a decision in accordance with law.

With the aforementioned observation, this writ application is disposed of.

**(Shivaji Pandey, J)**

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| AFR/NAFR          | NAFR       |
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