

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5993 of 2017

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1. Anil Kumar Singh Son of Sri Jagrup Singh Resident of Village-
Pakratola, Post- Kadwa Diyara, P.S.- Naugachia, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar , through the Principal Secretary, Education
Department, Government of Bihar, Old Secretariat, Patna.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. District Magistrate, Bhagalpur, District- Bhagalpur.
4. The District- Education Officer, Bhagalpur, District- Bhagalpur.
5. The District Programme Officer, Bhagalpur, District- Bhagalpur.
6. The Block Development Officer, Naugachia Anchal, District- Bhagalpur.
7. The Head Master, Madhya Vidyalaya, Pakra Basa, Anchal- Naugachia,
District- Bhagalpur.
8. The Head Master, Madhya Vidyalaya, Sahu Parbatta, Anchal- Naugachia,
District- Bhagalpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Pandey, Adv.

For the Respondents : Mr. Manish Dhari Singh, AC to Aurangabad

For Respondent no. 8 : M/S Sharda Nand Mishra, Dhnanjay Kumar &
Deepak Kumar, Advs.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER**

3 06-02-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is aggrieved by the order, contained in
Memo No. 240, dated 02.03.2017 (Annexure 5).

The learned counsel for the petitioner submits that in
this case, this Court directed the respondents vide order, dated
14.09.2017, to file counter affidavit, but, they have not filed any
counter affidavit. However, it is submitted that the petitioner has
complied with the order of transfer and joined the transferred
place. The learned counsel for the petitioner submits that the
order of transfer is contrary to Rules and as a disciplined employee
the petitioner has carried out the direction. He submits that the



petitioner may be permitted to represent the District Programme Officer (Establishment), Bhagalpur, raising the issue of transfer contrary to Rules and the District Programme Officer (Establishment), Bhagalpur, may be directed to examine the case of the petitioner and pass appropriate order.

Considering the facts that the respondents have not filed any counter affidavit in this case despite opportunity granted by this Court and the fact that the petitioner has already joined the place of posting on transfer, dated 02.03.2017, the writ application is **disposed of** with liberty to the petitioner to file exhaustive representation before the District Programme Officer (Establishment), Bhagalpur. In case such representation is filed, along with the copy of the order of this Court, the respondent-District Programme Officer (Establishment), Bhagalpur, is required to consider the representation and if it found that the order of transfer is contrary to the Rules, the District Programme Officer (Establishment) is required to pass the corrective order within a period of sixty days, from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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