

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14715 of 2018

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Prem Prakash Son of Late Chhotoo Chaudhary resident of Mohalla - Officer Colony, Sikandarpur, Near Nehru Stadium, P.S. Town Thana, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Arts, Culture and Youth Affairs, Government of Bihar, Patna.
3. The Additional Director General, NCC, Directorate Bihar & Jharkhand, Patna.
4. The Joint Director (State), NCC Directorate, Bihar & Jharkhand, Patna.
5. The Group Commander, NCC Group, Head Quarter, Muzaffarpur.
6. The Commanding Officer, 32 Bihar Battalion, NCC, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Sahi, Advocate
Ms. Shally Kumari, Advocate
For the Union of India : Mr. Anjani Kumar Sharan, Asstt. S.G
For the State : Mr. Dhurjati Kr. Prasad- GP14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 05-09-2018 Heard the parties.

There is no dispute that Board of Officers have been authorized to transfer the employees from A place to B place. Board of Officers has taken a decision with regard to transfer matter in pursuance thereof, office order dated 29th June, 2018 was issued by which the petitioner has been transferred from Muzaffarpur to Patna but he could not join at Patna, in the meantime, the said order has been modified vide order dated 16th July, 2018. It is not in dispute that it is the Board of



Officers only could have modified the order not an individual person who was heading the NCC. When a thing has to be done in a particular manner that should be done in that manner alone. Reliance can be placed on the judgment of ***Pune Municipal Corporation & Anr. Vs. Harakchand Misirimal Solanki & Ors.*** reported in **2014 (3) SCC 183.**

In such view of the matter, the order dated 16th July, 2018 (Annexure-4) is set aside so far petitioner is concerned. As the petitioner has failed to join at Bhagalpur an FIR has been lodged against him that should be kept in abeyance. It is the discretion of the Board of Officers to take decision in the matter of transfer.

In the meantime, the petitioner will be at liberty to join as per order dated 29.6.2018 (Annexure-3).

Accordingly this writ petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

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