

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4957 of 2019

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Ramesh Chandra Choudhary S/o Late Shrutidhar Choudhary Res. of Bina
Babhangama, P.S.- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary General Administration Department, Govt. of Bihar,
Patna.
3. The Additioanl Secretary General Administration Department, Govt. of
Bihar, Patna.
4. The District Magistrate Kaimur (Bhabhua).
5. The District Magistrate Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Shekhar

For the Respondent/s : Mr. Md.Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 01-04-2019

Heard the learned counsel for the petitioner and the
State.

The petitioner is aggrieved by the order dated
18.02.2019 contained in memo no. 2287 whereby along with
the others, he has been transferred from Kaimur to



Udakishanganj, Madhepura and has been posted as Sub-Divisional Public Grievance Redressal Officer.

The challenge to the aforesaid order of transfer is on two grounds: It has been submitted by Mr. Avinash, learned counsel appearing for the petitioner, that the order does not indicate that the transfer is either in routine matter or in view of the impending elections where all such officers who have been posted at one place for three years or more are required to be transferred. In that context, learned counsel for the petitioner has pointed out that after his posting at Darbhanga, the petitioner was transferred to Kaimur on 19.02.2018 and that after one year only, he has been transferred to Udakishanganj and that also with a posting in a sub-division; whereas his juniors have been posted in district headquarters.

After some arguments, Mr. Avinash confines his submission to an apprehension in the mind of the petitioner that because of such posting in the sub-divisional headquarters, there is every likelihood of the petitioner serving under his juniors. However, no specific statements has been made regarding this aspect in the writ petition. He further



submits that in the light of the circular / notification of the government, the petitioner has represented before the Principal Secretary, General Administration Department, Government of Bihar, Patna indicating his reasons for staying the order of transfer, at least for some time. The aforesaid representation has not yet been acted upon.

The petitioner does have a right of his representation being heard and disposed off. In order to show the bona-fides that he is not unnecessarily challenging the order of transfer, he has submitted before this Court that in obedience to the order impugned which is couched in peremptory terms, the petitioner has already joined his place of posting.

In this background, this Court deems it appropriate to direct the concerned respondent, namely, Respondent No. 2 to dispose off the representation of the petitioner dated 20th of February, 2019 as early as possible, preferably within a period of six weeks from the date of presentation of a reminder letter to the concerned respondent along with a copy of this order. The concerned respondent is expected to look to the entire



aspects brought forth by the petitioner and pass a reasoned order.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	02.04.2019
Transmission Date	

