

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6600 of 2019

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Dinesh Kumar Srivastava, aged about 59 years, male, Son of Late Shyamnath Prasad, Resident of Village-Dumauliya, Post Narainpur, P.S.-Bagaha, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna.
4. The Additional Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna.
5. The District Magistrate, Hajipur, Vaishali.
6. The Sub-Divisional Officer (Sadar), Hajipur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-04-2019

Heard the learned counsel for the petitioner and
the State.

2. The petitioner seeks a direction to respondent Nos. 1 and 2 to allow him to continue as Marketing Officer, Hajipur (Urban), Vaishali as he is left with less than one year to superannuate, notwithstanding the notification of transfer dated 21.02.2019, contained in Memo No. 910, by which he has been transferred from Hajipur (Urban) in the District of



Vaishali to Narayanpur in the District of Bhagalpur.

3. It has been submitted on behalf of the petitioner that he is to superannuate on 31.10.2019 and in view of a Circular of the Cabinete Secretariat and Coordination Department, which mandates that in the last year of the service of an employee, as far as practicable, he should not be transferred and be placed in the home district or place/at a place of his choice. Apart from the aforesaid ground, it has also been urged that the wife of the petitioner is seriously ill and has to be attended to.

4. The representation which has been filed by the petitioner before respondent Nos. 1 and 2 have not all been considered in the light of the Circular referred to above and the difficult situation in which the petitioner is in presently.

5. The petitioner, under the aforesaid circumstances, is directed to make a representation before the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Govt. of Bihar, Patna (respondent No. 3) within a period of one week from today



along with a copy of this order, who, on receipt of such representation, shall dispose it off by a reasoned order within a further period of a fortnight.

6. It is expected that the representation of the petitioner shall be considered in correct perspective, especially, in view of the illness of wife of the petitioner and few months left for the petitioner to superannuate from service. While saying so, this Court has taken note of various instances in which the aforesaid grounds have weighed with the concerned authority in rectifying the notifications/orders of transfer.

7. Till the time the representation of the petitioner is disposed off, the petitioner shall not be insisted for joining at his new place of posting.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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