

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10002 of 2017

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Anil Kumar Sharma, Son of Late Vishwanath Prasad, R/o Village P.O. -
Hasanpur, P.S. - Mahnar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Superintending Engineer, Public Health Engineering Circle, Chapra.
4. The Executive Engineer, Public Health Engineering Division, Chapra.
5. The Assistant Engineer, Public Health Sub-Division, Sonapur, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 18-11-2019

Heard learned counsel for the parties.

2. The petitioner has put to challenge an order dated 29.06.2017 whereby he has been transferred from Public Health Sub Division, Sonapur, to Public Health Sub Division, Gopalganj. It appears that the said transfer has been made on administrative grounds. It is the petitioner's case that his transfer is pre-mature and against the transfer policy of the State Government. The petitioner has also raised a question of the jurisdiction of the authority under whose order, the petitioner's impugned transfer has been notified.



3. A counter affidavit has been filed on behalf of the Respondent State of Bihar stating therein that the petitioners had completed approximately three years of tenure from August, 2014 to June, 2017. When the matter was taken up on 12.09.2017, while asking the State Respondents to file counter affidavit, it was directed that if the petitioner had not been relieved till that date, he would not be relieved till 31st of October, 2017. Apparently, if the interim order dated 12.09.2017 was given effect to, by 31st of October, 2017, he would have completed period of three years. When the matter was taken up on 31.10.2017, there was no representation on behalf of the petitioner.

4. In my opinion, in view of the facts noted above, this application has become infructuous since the main ground of pre-mature of transfer no more survives. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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