

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12764 of 2019

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Jai Prakash Swarnkar, aged about 56 years, male, S/o Late Sukhdev Prasad Swarnkar, R/o Mohalla-Durgasthan Kasba, P.S.-Kasba, District-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. Special Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. Anuj Kumar Jha, aged about 35 years, male, Father's name not known to petitioner at present in charge Circle Officer, Bariharpur, P.S. Bariarpur, District-Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Archana Shahi, Adv.

For the Respondent/s : Mr. Sajid Salim Khan (SC25)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 28-06-2019

Heard Ms. Archana Shahi, the learned Advocate
for the petitioner and Mr. Sajid Salim Khan, learned S.C. 25,
for the Govt. of Bihar.

2. The petitioner has challenged the
order/notification dated 14.06.2019, whereby he has been



transferred on the same post of Circle Officer from Asharganj in the district of Munger to Bariarpur, Munger merely after five months of his being transferred to Asharganj, Munger.

3. From the pleadings made in the writ petition, it appears that the petitioner served as a Circle Officer/Assistant Settlement Officer, Lakhisarai for about three years and was transferred to Asharganj in the district of Munger as a Circle Officer in the month of January, 2019, on which post the petitioner joined in the month of February, 2019. The petitioner has come before this Court being aggrieved by his transfer again to another Circle as a Circle Officer, but in the same district on 14.06.2019.

4. No *mala fides* have been alleged in the writ petition and the petitioner presumes that because he has been transferred in the same district on the same post in a short interval of time, the order is liable to be annulled as it does not assign any reason why the transfer has been effected before the completion of the tenure.

5. There is no requirement of intimating the



reason for transfer and unless otherwise proved, it is presumed to be in the administrative exigency. The petitioner has not been thrown off to any distant place, but has only been transferred to a different Circle in the same district.

6. There is nothing on record for this Court to presume that the order is *mala fide* or vindictive or on the dictates of somebody who is interested in having the petitioner ousted from a particular Circle. No doubt, the petitioner has been transferred from one Circle to another in a short span of time, but since no definite ground of *mala fide* has been alleged by the petitioner except for his inconvenience in shifting to another Circle, this Court is unwilling to interfere with the order of transfer.

7. There is no merit in the petition.

8. The petition therefore is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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