

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15487 of 2019

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Avinash Chandra, aged about 50 years, male, Son of Late Saryu Prasad Singh,
Resident of Village- Ghoshwari, P.S.- Bakhtyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Agriculture Deptt. Bihar,
Patna.
2. The Director, Horticulture Horticulture Directorate, Bihar, Patna.
3. Joint Director, Horticulture, Bihar, Patna.
4. Dy. Director, Horticulture, Bihar, Patna.
5. Assistant Director, Horticulture Horticulture Directorate, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Bhanu Roy, Adv.
Ms. Sandhya Kumari, Adv.
Mr. Binit Kumar, Adv.
For the Respondent/s : Ms. Shalini Raut, AC to SC-17

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 05-08-2019

Heard Mr. Uday Bhanu Roy, learned Advocate
for the petitioner and Ms. Shalini Raut, learned AC to SC-17.

2. The petitioner, who is a Block Horticulture
Officer, has been transferred from Patna on the same post to
Harnaut in the District of Nalanda *vide* order dated



27.06.2019, contained in Memo No. 798, issued under the signature of the Director, Horticulture, Bihar, Patna.

3. The challenge to the aforesaid order of transfer is not on any ground of *mala fides*, bias or the petitioner having been transferred by way of punishment, but only on health grounds, *viz.*, his suffering from serious eye trouble for which he is getting treatment from Shankar Netralaya, Chennai.

4. From the order impugned, it appears that many persons have been transferred by the aforesaid notification on various grounds, *viz.*, such persons having completed three years and in administrative exigencies. The order clearly indicates that the transferees would automatically be relieved for joining at the transferred place of posting from 05.07.2019. The petitioner, therefore, is presumed to have been relieved for joining his post at Harnaut in the District of Nalanda.

5. Should the petitioner be of the view that his case be re-considered by the Director, Horticulture, Bihar, Patna, keeping in view the requirement of the petitioner to



go to Chennai every now and then which would be convenient from Patna and not from Harnaut (Nalanda), he may, after joining at his transferred place of posting, make a suitable representation before the Director, Horticulture, Bihar, Patna (respondent No. 2) within a period of four weeks, who, on receipt of same, shall pass a reasoned order in accordance with law within a further period of eight weeks thereafter.

6. This Court can direct no further.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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