

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14358 of 2019

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Ashok Kumar, Son of Late Yogendra Pandey Resident of Village Hirapur,
Police Station Kundwachainpur, District East Champaran at Motihari at
present posted as Block Agriculture Officer, Baikunthpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Agriculture Department,
Government of Bihar, New Secretariat Building, Bailey Road, Patna-
800001.
2. The Director Agriculture, Government of Bihar, New Secretariat Building,
Patna.
3. The District Agriculture Officer Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Respondent/s : Mr. Anant Prasad Singh (SC15)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-07-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner is aggrieved by the order of transfer
dated 26.06.2018 contained in Memo No. 365, whereby the
petitioner has been transferred as Block Agriculture Officer
from Bairgania, in the district of Sitamarhi to Baikunthpur, in
the district of Gopalganj.

Though the petitioner has not alleged any *mala*
fide but has submitted that he is due to retire in the month
of September, 2020 and other persons, who are to retire



within a period of one and half years have been allowed to officiate at the same place.

Learned counsel for the petitioner has submitted that he had been working as Block Agriculture Officer at Bairgania, in the district of Sitamarhi for about four years and now when approximately only one year is left, before transferring him to any other place, his option ought to have been taken and in view of the Circular of the Government, he should have been given the option of being transferred to his home district.

There is no right of the petitioner to continue at one place for an indefinite period. The petitioner must join the new place of posting. After he joins, he would be at liberty to make a representation before the Director, Agriculture, Government of Bihar, New Secretariat, Patna (Respondent No. 2), intimating him that he is shortly to retire and, therefore, he be transferred to his home district or be send back to the place where he had earlier worked.

Such representation, if filed within a period of four weeks, shall be considered by the Director, Agriculture,



Government of Bihar, Patna who shall pass necessary orders in accordance with law, within a further period of four weeks thereafter and the same shall be communicated to the petitioner.

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

(Ashutosh Kumar, J)

skm/-

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