

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16624 of 2019

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Dinesh Paswan, aged about 31 years, male, Son of late Hira Lal Paswan, R/o
Village- Anayapar, Post- Belar, P.S. Kashichak (Belar), District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Govt. of Bihar, New Secretariat Vikash Bhawan Bailey Road, Patna.
2. The Secretary, Minor Water Resources Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
3. The Additional Secretary, Minor Water Resources Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
4. The Under Secretary-Cum-DDC, Minor Water Resources Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
5. The Registrar, Minor Water Resources Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
6. Chief Engineer, Minor Water Resource Department, Divisional Office, Bhagalpur.
7. Executive Engineer, Minor Water Resource Department, Divisional Office, Bhagalpur.
8. Executive Engineer, Minor Water Resource Department, Divisional Office, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Adv.
For the Respondent/s : Mr. Sitaram Yadav (GP-16)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 03-09-2019



The petitioner has been transferred from Begusarai to Siwan by order dated 26.06.2018 passed by the Chief Engineer, Minor Water Resources Department, Divisional Office, Bhagalpur.

2. It is the case of the petitioner that he was transferred from Bhagalpur to Begusarai only recently and without there being any reason, before the petitioner could settle at Begusarai and perform his duties, he has been transferred to Siwan in compliance of some earlier circulars and orders.

3. The learned counsel for the petitioner has submitted that the petitioner is an appointee on compassionate ground who has an old mother to look after and it would be very difficult for him to manage his home-front as also his office work, if he is not allowed to stay at Begusarai where he has been transferred only recently.

4. The law with respect to interference of Courts in matters of transfer is too well settled now to be recounted. An order of transfer made on administrative grounds, unless positively shown to be *malafide* or executed



on extraneous considerations, ought not to be interfered with. The employer knows best where to place his employee and if it falls purely in the domain of the Government, the Courts should ordinarily desist from interfering.

5. From looking at the order impugned, it appears that 36 persons have been transferred from one place to another and this completely belies any suspicion about the order being *malafide* or the petitioner having been singled out for any reason other than the administrative exigency.

6. The difficulties of the petitioner could be appreciated by the employer, but only after he obeys the order of transfer and joins at his transferred place of posting.

7. After the petitioner joins the transferred place of posting, he would have the liberty to approach the Executive Engineer, Minor Water Resources Department, Divisional Office, Begusarai (respondent No. 8) with a representation for his re-transfer to Begusarai or to any other place which would be for his convenience for taking



care of his old mother.

8. Should such a representation be filed, the same shall be disposed off by the concerned respondent in accordance with law within a period of six weeks of the receipt of such representation.

9. It is reiterated that such representation shall be entertained only after the petitioner has joined the transferred place of posting.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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