

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3776 of 2020

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1. Ram Babu S/o Late Kashi Nath Gupta R/o- Road No.-26, Rajivnagar, P.o. and P.s.- Rajivnagar, District- Patna
 2. Renu Vishwas, W/o Shri B.D. Vishwas, R/o- Flat No.-B-30, Block No.B, Dev Kutir, Jagat Narayan Road, P.o. and P.s.- Kadamkuan, District- Patna
 3. Pramod Kumar Sinha @ Pramod Kumar S/o Surendra Kumar Sinha, R/o- Martital badi, P.o.- Khodaganj, P.s.- Bahadurganj, District- Patna
 4. Rita Kumari W/o Ashok Kumar Singh, R/o D.B. Road, Ward No. 10, Saharsha, Khadi Bhandar, p.s. and District- Saharsha
 5. Pramod Kumar Singh S/o Late Deodeep Singh, R/o Rental Flat No. - 149, Lohiya nagar, P.o. and P.s.- Kankarbagh, District- Patna
 6. Pawan Kumar S/o Late Brij Nandan Prasad R/o Chhoti Machuatoli, P.o. and P.s.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Labour Resources Department, Govt. of Bihar, Patna
3. The Director, Employment and Training, Labour Resources Department, Govt. of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Adv.
	:	Mr. Priya Ranjan Singh, Adv.
For the Respondent/s	:	Mr.Parijat Saurav, AC to Aag10

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 28-02-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The present application has been filed for the
following relief/s:

“To quash the memo no.-75 dated



13.01.2020 issued by the Director, Employment and Training, Labour Resources Department, Govt. of Bihar, Patna, so far it relates to the petitioner, whereby and whereunder the earlier transfer orders of the petitioners has been modified and revised order of transfer has been issued by which the petitioners have again been transferred within 6 months without assigning any reason.

(ii) To direct the respondents not to disturb the petitioners from discharging their duties on their respective posts and places as Head Clerk, Upper Division Clerk & Lower Division Clerk in I.T.I.”

Learned counsel for the petitioners submits that the present petitioners, before this Court, have been transferred vide notification contained in Annexure-1. It is submitted that earlier the present petitioners have been transferred on various dates which have been reflected in Annexures-2, 3, 3A, 4, 5, 6, 7, 8 and 9 respectively. Learned counsel for the petitioners further submits that these orders have not been acted upon. There was no occasion for the authorities to issue a fresh order cancelling the earlier orders of transfer, for which, there appears no rationale.

It is further submitted that under similar circumstances, this Court while hearing an application, in which the authorities acted in a similar manner, after hearing the



parties, has been pleased to quash the order passed, transferring the petitioners back to other places, as has been indicated in the transfer orders (Annexure-1). Learned counsel for the petitioners further submits that the situation being identical, this Court may interfere and pass necessary orders accordingly.

Be that as it may, and in view of the submissions advanced, the order dated 13.01.2020 (Annexure-1) contained in memo no.-75 stands quashed with liberty to the authorities to take appropriate action in accordance with law. It is also made clear that in case, any adverse order is passed against the present petitioners, who are functioning at their respective posts where they had been earlier transferred, they will be given sufficient liberty to show-cause.

We also observe that disabled candidates, who are here before this Court, shall be given necessary protection under the Rights of Persons with Disabilities Act, 2016.

Application stands disposed of.

(Sanjay Karol, CJ)

(Anjana Mishra, J)

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