

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18199 of 2018

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Vyasmuni Pandey Son of late Ram Chandra Pandey Resident of Village Post-Naya Bhojpur, Uttar Tola, P.S. Dumrao, District- Buxar, Presently residing at Village- Niranjanpur, Ahirauli, P.S.- Industrial Ara, District- Buxar.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department, Old Secretariat, Government of Bihar, Patna.
3. The Secretary, Rural Development Department, Old Secretariat, Government of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Anand Kumar Ojha, Advocate
For the Respondents : Mr.S.C.Yadav -GP15
Mr. Ramesh Kr. Singh, AC to GP 15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-06-2020 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner has prayed for the following reliefs:-

“(a) To issue a writ of mandamus commanding respondents to transfer the petitioner to his parent department which has been denied in a manner illegal and arbitrary by the respondent authorities despite requests/representations to that effect raising vital personal and family compulsions.

(b) To issue a further writ of mandamus commanding respondents to take care of the subsequent request of the petitioner to transfer him, in his home district to enable him to take care of his family responsibilities and obligations as well while discharging his official duty as assigned



to him.

(c) To any other relief or reliefs for which the petitioner may be found entitled to.”

Learned counsel appearing on behalf of the petitioner would submit that the petitioner is on deputation and wants repatriation to the parent department. With reference to Annexure-9 dated 26.09.2017, learned counsel submits that a decision has been taken in the meeting of the High Powered Committee under the Chairmanship of the Chief Secretary, Government of Bihar, Patna on 26.06.2017. He submits that similarly circumstanced applicants have been repatriated to the parent department.

In view of the conflicting claim and counter claim, the Court is inclined to dispose of the writ petition with liberty to the petitioner to file a fresh representation addressed to the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna along with a copy of this order. Petitioner if so advised may raise human problem on account of illness of his wife apart from his right to repatriation to parent department. The representation filed by the petitioner along with a copy of this order shall be considered and disposed of by the Principal Secretary Revenue and Land Reforms Department, Government of Bihar, Patna by a reasoned order after providing



opportunity of hearing to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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