

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7231 of 2020

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1. Lakshman Ram Son of Late Bachu Ram Resident of Flat No. 101, Jagriti Apartment, Ramnagari, Ashiyana, P.S.- Ashiyana Nagar, District- Patna.
 2. Ashok Kumar Son of Rajendra Prasad Resident of Jai Prakash Nagar, P.S.- Jakanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Department of Animal and Fisheries Resources, Bihar, Patna.
2. The Additional Secretary, Department of Animal and Fisheries Resources, Bihar, Patna.
3. The Special Secretary Department of Animal and Fisheries Resources, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 26-11-2020 Heard Mr. Mukesh Kumar, learned counsel for the petitioners and Mr. Sajid Salim Khan, learned counsel for the State.

In this case a counter affidavit has been filed on behalf of the respondents. Mr. Sajid Salim Khan, learned counsel for the respondents fairly submits that the decision to utilize the services of the petitioners was taken having regard to the expertise with no prejudice to the petitioner as the petitioner would be extended all the benefits which is otherwise admissible to them in the department.

Mr. Mukesh Kumar, learned counsel for the



petitioners submits that the petitioners are not interested in working with COMFED. They are happy with their establishment where they are working and they cannot be sent on deputation against their wishes. The law in this regard is well settled that a person cannot be sent on deputation outside the cadre against his wishes.

In view of the above, the order dated 29.06.2020, as contained in Annexure-1 cannot sustain. It is, accordingly, quashed. However, liberty shall be available to the respondents to take appropriate steps for better utilization of the expert people for the development of the dairy project.

The writ petition is allowed and disposed of.

(Anil Kumar Upadhyay, J)

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