

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7162 of 2020

Sanjay Kumar, Son of Virodhi Ram, Resident of village Chanwakh, P.S.-
Kundra, District- Kaimur, State of Bihar at present posted as Rural
Development Officer cum In Charge Block Development Officer, Barun
District, Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Urban Development, Government of Bihar, Patna.
3. The Special Secretary, Urban Development, Government of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. Ashutosh Kumar, son of not known to the petitioner, Rural Development
Officer cum incharge Block Development Officer, Rajnagar, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Ms. Ritika Rani, Advocate
For the Respondent/s	:	Mr.Kinkar Kumar, SC-9

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-09-2020 Heard learned counsel for the petitioner and
respondents.

The petitioner is aggrieved by the notification as
contained in Memo No.272303 dated 30.06.2020.

The grievance of the petitioner in the present case is
that the respondents have arbitrarily decided to transfer the
petitioner in teeth of their own decision contained in Memo
No.1243 dated 08.10.2014 (Annexure-3).

Transfer is an incident of service. The Government
better know how to utilize the service of the employees.

Ordinarily, the Court does not interfere in transfer



order unless the order of transfer is malafide or without jurisdiction. It is true that the policy decision is required to be respected by all concerned in the matter of transfer and posting, but the circular provide for different action in exceptional circumstances and transfer before completion of normal tenure of three years at one place.

Considering the fact that there is no lack of jurisdiction or allegation of malafide in the order of transfer, the Court is not inclined to interfere with the transfer order. However, liberty shall be available to the petitioner to approach the competent authority, if there is any allegation of pick and choose and allegation of malafide in the matter of transfer, and on filing of such representation along with a copy of this order, the competent authority shall pass appropriate order in accordance with law on such representation within a maximum period of three months from the date of filing of such representation.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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