

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8068 of 2020

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Pramod Prasad Son of Late Bindeshwari Singh At Village-Khatangi Kothi,
Bhsunda, Manpur, P.O.-Naurang P.S.-Muffasil, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Schedule Caste and Schedule Tribe Caste, Welfare Department, Govt. of Bihar, Patna.
2. The Director, Schedule Caste and Schedule Tribe Caste Welfare Department, Govt. of Bihar, Patna.
3. The District Welfare Officer, Nawada.
4. The District Magistrate, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Respondent/s : Mr.Shilpa Singh, GP-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 30-09-2020 There is an apparent typographical error in paragraph 3 of the writ application inasmuch as in place of '24.07.2020', '24.07.2022' has been typed. The averment in paragraph 3 of the writ application shall be read accordingly, in view of the submission made on behalf of the petitioner.

The petitioner has filed the writ application, seeking quashing of letter No. 1323 dated 30.06.2020, issued by the Director, Schedule Caste and Schedule Tribe, Welfare Department, Govt. of Bihar, Patna, whereby he has been transferred from Government Ambedkar Residential Girls High School, Sirdala, Nawada to Government Ambedkar Residential



High School, Maula Bagh, Ara.

Learned counsel for the petitioner has submitted that he is going to retire within two years after attaining the age of superannuation and he has been transferred from the present place of posting within three years. It has also been contended that the petitioner is suffering from certain ailments like diabetes etc, and it will be difficult for him to proceed to the place of posting during present Pandemic.

The transfer is an incidence of service. A decision to transfer to a government servant is purely administrative in nature. This Court has been loath in interfering with such decision of the State and its instrumentalities, unless any *mala fide* is shown or breach of statutory provision is established.

No such case is made out on the basis of what has been stated in the writ application.

Learned counsel for the petitioner has submitted that the petitioner has filed a representation before the competent authority against the order of his transfer.

Learned Government Advocate representing the State of Bihar has submitted that 53 persons of the petitioner's cadre have been transferred and posted from one place to other and for the said reason also, this Court may not interfere with the



decision of the respondents to transfer the petitioner and post him +2 Govt. Ambedkar Residential High School, Maula Bagh, Ara as the same will result into breakage of a chain.

Considering the facts of the case and discussions thereon noted above, I do not find it to be a fit case for this Court's interference.

This application is, however, disposed of with a direction that let the petitioner's representation be considered and disposed of within four weeks from the date of receipt/production of a copy of this order.

The petitioner shall, however, be required to submit his joining irrespective of the fact whether his representation is pending or not.

(Chakradhari Sharan Singh, J)

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