

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12704 of 2015

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Kedar Nath Jha Son of Sri Ram Rajit, Resident of Village - Amethi, P.S. -
BAhera, District - Darbhanga, at present working as Work Supervisor, Minor
Irrigation Sub - Division, Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Secretary, Minor Water REsources Department, Govt. of Bihar, Patna.
3. Chief Engineer, Minor Water Resources Department Bihar, Patna.
4. Executive Engineer, Minor irrigation Division, Patna.
5. Assistant Engineer, Minor irrigation Sub -Division, Bihta, Patna.
6. Bachchu Sharma work Supervisor, Minor Irrigation Division, Buxar/

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Durga Nand Jha
For the Respondent/s : Mr.Ram Balak Mahto

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

8 11-06-2020 This writ application has been filed seeking following
directions:-

*“(i) Issuance of a writ in the
nature of certiorari for quashing the
office order contained in Memo No.
1292 dated 23.07.2015 issued under the
signature of Chief Engineer, Respondent
NO.3 whereby and where under the
service of petitioner which was
transferred from Minor Irrigation
Division, Buxar to Minor Irrigation
Division, Patna has been cancelled to
accommodate on Bachuchu Sharma*



who had been working at Patna since about 3 decades.

(ii) Issuance of a consequential writ in the nature of Mandamus directing and commanding the respondents not to interfere in the office order contained in Memo No. 1078 dated 23.06.2015 whereby and where under the services of petitioner was transferred from Minor Irrigation Division, Buxar to Minor Irrigation Division, Patna on medical ground on the petitioner is under treatment at Patna.

(iii) Issuance of an appropriate declaration and holding that the respondents in general, Respondent 3 is particular is not justified is making frequent transfer of petitioner without any rhyme and reason and without placing the matter before District Establishment Committee and impugned order has been issued only with an intention to accommodate Respondent No.6 in Patna where he has been working since last about 3 decades.

(iv) Issuance of further declaration that in pursuant to order of the Chief Engineer contained in Memo



No. 1078 dated 23.06.2015, the petitioner was posted in Minor Irrigation Sub-Division, Bihta by the Executive Engineer vide his office order contained in Memo No. 1766 dated 03.07.2015 in pursuant to which petitioner had joined his post at Minor Irrigation Sub-Division, Bihta on 04.07.2015 and said order has not been recalled and thus a situation of vacuum has been created for the petitioner.”

On the strength of an interim order 06.10.2015, passed by this Court in this case, the petitioner has continued to remain at the place, despite his transfer order.

It has been stated by Mr. Durga Nand Jha, learned counsel for the petitioner that respondent No.6 has since retired after attaining the age of superannuation.

Since the petitioner has remained at Patna by virtue of interim order passed by this Court dated 06.10.2015, I am not inclined to keep the matter pending any further. The petitioner has already remained at the present place of his posting by virtue of the interim order.

Let a fresh decision be taken on behalf of the respondent in respect of the petitioner's transfer. Such decision



must be taken within two weeks from today.

Mr. Jha, learned counsel for the petitioner has submitted that the petitioner is on the verge of his superannuation. The said aspect, shall keep in mind, while taking any decision on petitioner's transfer.

The said interim order passed by this Court shall continue for further two weeks from today.

This application stands disposed of with the aforesaid observation and direction.

(Chakradhari Sharan Singh, J)

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