

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14420 of 2019

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Bihar Rajya Panchayat Sachiv Sangh through its President Devendra Kumar, aged about 57 years (male), son of Late Bajrangi Singh, resident of village- Kasma Kasain, Police Station and Boock- Ratani Faridpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
3. The Director, Directorate of Panchayati Raj, Govt. of Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The District Magistrate, Kaimur at Bhabua.
6. The District Panchayat Officer, Nalanda at Biharsharif.
7. The District Panchayat Officer, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate
For the State : Mr.Pratik Kumar Sinha, A.C. to G.A.-5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 15-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner as well as learned counsel appearing for the State.



The petitioner has approached this Court seeking a direction upon the respondent-authorities restraining transfer of the Panchayat Secretaries from the Gram Panchayat where they were appointed.

The submission is that since the Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011 does not contain any provision for transfer, and since they are executing the Government Scheme, the Panchayat Secretaries cannot be transferred.

A counter affidavit has been filed by the respondent nos.4 to 6. It is submitted by the learned State Counsel that general guidelines have been issued by the State Government in the Cabinet Secretariat Department which contemplates annual general transfer of Government servants on completion of three years continuous posting at a particular place. Petitioners are Government servants and thus liable to be transferred.

Under such policy of the Government for general transfer in administrative exigency, the District Magistrate is the competent authority for transfer of Panchayat Secretaries. On such ground, the authorities have sustained the propriety and legality of the order dated 07.06.2019, bearing Memo No.10, issued by the District Magistrate, Nalanda.



The counter affidavit has been filed after due service upon the petitioner's Counsel way back on 14.08.2019.

Till date, the petitioner has not denied or disputed the said averment made in the counter affidavit by filing rejoinder. Today also, he has not made any submission with respect to the said stand.

The writ petition is thus dismissed.

(Madhuresh Prasad, J)

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