

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1976 of 2020

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Rajendra Ram, Son of Late Ram Kishun Ram, Resident of Vishanpur, Parmanandpur, Sitamarhi, at present Resident of the House of Late Ramchandra Prasad, Khazanchi Road, Near Milan Store, Patna-4, Post-Bankipur, P.S.-Pirbahor, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Officer, Patna.
2. The Principal Secretary Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Directorate of Divyangjan Sashaktikaran, Bihar, Patna.
4. The Assistant Director, Directorate of Divyangjan Sashaktikaran, Bihar, Patna.
5. The Assistant Director, District Empowerment of Persons with Disabilities Cell, Patna.
6. The In Charge Head Master, Govt. Blind High School, Kadamkuan, Patna-3.
7. Dinesh Kumar, Peon, Govt. Blind Middle School, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Verma
For the Respondent/s	:	Mr.Kumari Amrita (Gp3)
	:	Mr. Mithilesh Kr. Upadhyay (AC to GP3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-10-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Mithilesh Kr. Upadhyay- AC to GP 3, the learned counsel appearing for the respondent-State.

The present writ petition has been filed seeking following reliefs :-

“ A) For quashing/ setting aside impugned



order dated 05.12.2019 of the Director, Directorate of Divyangjan Sashaktikaran, Bihar, Patna (respondent no. 3) as referred in subsequent impugned order dated 06.12.2019 and copy whereof not supplied to petitioner and impugned order dated 06.12.2019 of the Assistant Director, District Empowerment of Persons with Disabilities Cell, Patna (respondent no. 5), whereby petitioner being a Class IV employee posted as Bearer in the Govt. Blind High School Kadamkuan, Patna has been allegedly transferred outside Patna District to the inferior post of peon of low pay scale even without disclosing very post in the Govt. Middle School, Bhagalpur, where there is no sanctioned post of Bearer owing to its being a Middle School, by way of punitive measure not on the alleged coloured ground of administrative view, even without giving any opportunity to petitioner to give show cause as his defense against alleged stigma whatever in most arbitrary & mala fide manner and also against Rules/ Policy decisions of transfer & posting of Class IV employees of Bihar Govt. under the Govt. Circulars for not transferring, rather stopping transfer for Class-IV Employee like petitioner. B) For allowing petitioner to be remanded posted as Bearer and working as such in the Govt. Blind High School, Kadamkuan, Patna. C) For staying operation of impugned order of transfer of petitioner pending disposal of this writ application.”

The learned counsel for the petitioner has submitted that the petitioner has been transferred out of Patna despite the fact that he is due to retire within a period of three



and a half years approximately and is suffering from such illness, which is treatable only at Patna. In such view of the matter, the learned counsel for the petitioner seeks liberty to approach the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna i.e. the respondent no. 2 for redressal of his grievances.

Having regard to the limited prayer made by the petitioner herein, I deem it fit and appropriate to grant liberty to the petitioner to file appropriate representation before the respondent no. 2, within a period of two weeks from today, whereupon the respondent no. 2 shall pass appropriate orders in accordance with law within a period of four weeks thereafter.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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