

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13936 of 2021

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Upendra Kumar Yadav Son of Late Motichand Rawat, Resident of Village -
Karanpura, Police Station- G.B. Nagar (Tarwara), District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Department of Art, Culture and Youth Affairs,
Government of Bihar, New Secretariat, Patna.
3. The Additional Director General, National Cadet Core (N.C.C.) Directorate,
Bihar and Jharkhand, Rajendra Path, Patna - 800019.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suresh Kumar, Advocate
For the Respondent/s	:	Mr. Awanish Nandan Sinha, GP 21
For the State	:	Mr. Jay Prakash Sharma, AC to GP 21
For the Union of India	:	Mr. K.N. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 18-11-2021

State counsel accepts notice for respondent Nos. 1, 2 and 3.

In the instant petition, petitioner has prayed for following
relief/reliefs:

*“(i) For issuance of an appropriate writ/writs,
order/orders and/or direction/directions to set
aside the transfer order vide office order no. 39
dated 30th June, 2021 issued by the respondent no.
3 with respect to the petitioner whereby and
whereunder the petitioner has been transferred
from 1 Bihar Naval Unit, Patna to 8 Bihar Bn
N.C.C., Darbhanga on the ground of non-
consideration of the government instruction
contained in memo no. 881 dated 03.06.2009
(Annexure ‘P-2’);*



(ii) For issuance of an appropriate writ/writs, order/orders and/or direction/directions alternatively, the respondents may transfer the petitioner under any offices of the N.C.C. Directorate within Patna district or its neighbouring district on sympathetic consideration;

(iii) For any other relief or reliefs for which the petitioner is entitled to under the law and in the facts and circumstances of the case.”

In the instant petition petitioner has challenged the order of transfer dated 30th June, 2021 by which he has been transferred from 1 Bihar Naval Unit, Patna to 8 Bihar Bn N.C.C., Darbhanga. He is working in Patna for the last about one decade and he is liable for transfer. It is learnt that he had requested three places other than Darbhanga and it was not considered and further his wife is also government employee and she is working in Patna.

Having regard to the aforesaid facts and circumstances, the petitioner has not made out the case so as to interfere with the order of transfer dated 30th June, 2021 as he is in Patna for the last one decade. However, Petitioner is hereby directed to report at 8 Bihar Bn N.C.C., Darbhanga within two days from today. He is hereby directed to make one more representation for consideration of his transfer to any one of the three places.

On receipt of the petitioner's representation/application, the competent authority is hereby directed to take note of the petitioner's grievance in accommodating in any one of the three



places chosen by him, if vacancies are available. The above exercise shall be completed within a period of two months from the date of receipt of afresh representation.

With the above observations, writ petition stands disposed of.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

