

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1322 of 2021

1. Prof. Shailendra Kumar, S/o Late Ram Bhajju Prasad Sinha, Resident of Flat No. 178, Block No. 23, Road No. 12, Rajendra Nagar, P.O.- Rajendra Nagar, P.S.- Kadam Kuan, Pin- 800016, District- Patna, Bihar.
2. Dr. Shambhu Sharan Singh, S/o Late Parmeshwar Singh, Resident of House No. 254, Professor Colony, Hisua, P.O. and P.S.- Hisua, Pin- 805103, District- Nawada, Bihar.
3. Dr. Anjani Kumar, S/o Late Ram Jatan Sharma, Resident of Ismailpur Kothi, near Shikshak Sangh Bhawan, Yamuna Path, New Area, Nawada, P.O. and P.S.- Nawada, Pin- 805110, District- Nawada, Bihar.

... .. Petitioner/s

Versus

1. The Chancellor, Universities of Bihar, Raj Bhawan, Patna- 800001.
2. The Magadh University, Bodh Gaya, District- Gaya, Pin- 824234.
3. The Vice-Chancellor, Magadh University, Bodh Gaya, District- Gaya, Pin- 824234.
4. The Registrar, Magadh University, Bodh Gaya, District- Gaya, Pin- 824234.
5. The Principal, T. S. College, Hisua, District- Nawada, Pin- 805103.
6. Dr. Meghan Prasad, S/o Late Fuddi Mahto, Resident of Village- Singhia Bujurg (South), P.O. and P.S.- Vibhutipur, District- Samastipur, Pin- 848236, erstwhile Principal of T.S. College, Hisua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Respondent/s : Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 26-02-2021

Heard learned counsel for the petitioners and the respondents.

2. Petitioners are aggrieved by the order of transfer.

3. Transfer of employee is an incidence of service. It is not the case of the petitioners that the posts they are holding, are not transferable within the zone of University. It is also not the case of the petitioners that the authority passed the order of transfer lacks jurisdiction.



4. The grievance of petitioner nos. 1 and 3 is that the authorities have transferred them without following the norms.

5. So far as petitioner no.2 is concerned, learned counsel submits that petitioner no.2 has already retired from service.

6. Without going into the merit of the case, the writ application is disposed of with liberty to the petitioner nos. 1 and 3 to represent the Hon'ble Chancellor of the Universities for consideration of their cases.

7. In case, such representation is filed by petitioners before the Hon'ble Chancellor, who shall examine the case of the petitioners and pass reasonable order within a maximum period of six months from the date of receipt of such representation along with a copy of this order.

8. It goes without saying that the respondents shall take step for payment of salary and other allowance of petitioners anterior to the date of order of transfer before taking any decision on the representation filed by the petitioners.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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