

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2157 of 2022

Dr. Vivek Tiwari, S/o Shri Prem Chandra Tiwari, Asst. Professor, Kamla Rai College, Gopalganj, permanent resident of 228 Pooravishram Ambedkar Nagar, Tanda, P.S.-Tanda, District-Ambedkar Nagar, Uttar Pradesh, Pin 224190.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Honble Chancellor of University Bihar through the Secretary, Governors Secretariat, Raj Bhawan, Patna.
4. The Jai Prakash Vishwavidyalaya, Chapra through the Registrar, Jai Prakash Vishwavidyalaya Rahul Sankrityayan Nagar, Chapra.
5. The Registrar, Jai Prakash Vishwavidyalaya Rahul Sankrityayan Nagar, Chapra.
6. The Vice Chancellor, Jai Prakash Vishwavidyalaya Rahul Sankrityayan Nagar, Chapra.
7. The Examination Controller, Jai Prakash University, Chapra, Rahul Sankrityayan Nagar, Chapra.
8. Mr. Anil Kumar Singh, S/o Late Radha Krishna Singh at present Controller of Examination, Jai Prakash University, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv. Mr. Baban Kumar, Adv.
For the J.P.U.	:	Mr. Ritesh Kumar, Adv.
For the State	:	Mr. Nishant Kumar Jha, AC to SC 28
For the Chancellor	:	Mr. Rana Vikram Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 24-01-2023 Heard the parties.

1. The petitioner assails the order of transfer, whereby he has been shifted from the post of Assistant Professor, Department of Psychology, Rajendra College, Chapra to Kamla



Rai College, Gopalganj in the same University by order dated 26.11.2021. The petitioner at the time of joining he has not made any objection and after he has joined that he has raised objections relating to the transfer. He has made representation thereafter, stating that his wife is working at Rajendra College, Chapra and therefore, the transfer order should be revoked. In the representation, no allegations of malafide have been alleged by the petitioner. However, in the writ petition it is alleged that the transfer has been effected on account of certain complaints made by the petitioner's wife who was Head of the Department of Psychology.

2. Learned counsel for the petitioner submits that there is a policy decision to post husband and wife working in the same Department at the same place and relies on the memorandum issued by the Government of India dated 30th September 2009 for the said purpose. With regard to Government of Bihar, he relies on the guidelines issued by the Governor's Secretariat dated 23rd February 1987 relating to Inter-University transfers.

3. Learned counsel had also relied on the judgments passed by this Court in **Dr. Vivekananda Shah Vs. Tilka Manjhi Bhagalpur University** as well as **Dr. Ranjeet Kumar**



Vs. The Chancellor Universities of Bihar and Dr. Hira Prasad Singh Vs. The State of Bihar to submit that this Court has interfered with transfers holding that there was no administrative exigency for transferring the said petitioner.

4. Per contra, learned counsel appearing for the University has pointed out that an administrative exigence had arisen on account of demand made by the Principal of the College at Gopalganj of paucity of teachers and therefore the petitioner being one of the senior Assistant Professors at Rajendra College, Chapra was transferred to Kamla Rai College, Gopalganj. It is further stated that as soon as new appointments are made at Gopalganj, the petitioner would be shifted back to Rajendra College, Chapra.

5. Having noticed the aforesaid submission of the University, this Court is satisfied that the action taken by the University of transferring the petitioner is on account of administrative exigencies and since the petitioner has already joined no further interference is called for. It is however open to the petitioner to make a representation to the concerned authorities his grievances which will be considered by the respondents and without being influenced by the present proceedings taken up by the petitioner.



6. The writ petition is dismissed with aforesaid observation.

(Sanjeev Prakash Sharma, J)

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