

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3251 of 2023

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Bihar State Non Gazetted Employees Federation Registered office at Prabhat Villa, 34, Hanumannagar, New Punaichowk, Patna through its Secretary Umasharan Mandal (male), aged about 55 years, Son of Baliram Yadav, Resident of C/O Gyanand Pandey, Patthar Road, Naya Tola, Saristabad, behind Parijat, Gardanibagh, PO GPO, Patna- 800001

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Secretary, Bihar Rural Roads Development Agency, Rural Works Department, Government of Bihar, Patna.
4. Additional Chief Executive Officer-cum-Secretary, Bihar Rural Roads Development Agency, Rural Works Department, Government of Bihar, Patna.
5. Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
6. Chief Engineer-1, Patna, Rural Works Department, Government of Bihar, Patna.
7. Chief Engineer-3, Patna, Rural Works Department, Government of Bihar, Patna.
8. Superintending Engineer, Rural Works Department, Work Circle, Darbhanga, District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Respondent/s : Mr. Anwar Karim, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is a registered federation of non-gazetted employees posted in various departments of the government of Bihar. It is said to be a recognized association by the Bihar government.

The petitioner has questioned the different transfer



orders issued by the various functionaries of the Rural Works Department contained in Annexure- 'P-2' to 'P-7' whereby mass transfer orders have been made in the department.

Learned counsel for the petitioner submits that the policy of the government is to effect a transfer every year in the month of June and only in exceptional circumstance in case of administrative exigencies transfers may be effected at any point of time. His grievance is that what should have been an exceptional circumstance of transfer has been made a general way of transfer as it is found that in these days the transfers are effected in the department with the change of the guard.

Learned counsel submits that as a matter of rhetoric the transfer orders are issued saying that it is in the interest of work or in administrative exigencies. These are the two most celebrated words which are used in the order of transfer and in the garb of these words some times transfers are done within a period of one year or two years. It is, thus, his submission that the respondents should revisit their transfer policy and make it more transparent in order to build confidence in public administration.

Learned counsel submits at this stage that in fact the transfer orders have been substantially complied with as most of



the members of the association has joined at the transferred place, therefore, at this stage, the association may be permitted to file an appropriate representation in the department with the concerned respondents who are involved in the policy making of the government and impress upon them that a uniform transfer policy with some transparency be framed.

Learned counsel for the State has though opposed this writ application saying that the association has not disclosed the name of the members from whom this writ application has been filed, at this stage, this Court is of the considered opinion that because the transfer orders have already been substantially complied with and the issues raised by the learned counsel for the petitioner is one of academic importance only, this Court need not go into the said issue at this stage. It is left open for the petitioner to raise this issue before the competent authority who are involved in the decision making process.

With the aforesaid observations and liberty to the petitioner, this writ application is disposed of.

(Rajeev Ranjan Prasad, J)

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