

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6038 of 2022

1. Ramjee Prasad, Son of Beslal Prasad, Resident of Village - Bam Road, Ward No. 17, P.O. - Daud Nagar, P.S. - Daud Nagar, District - Aurangabad.
2. Chandan Kumar, Son of Bijay Kumar Gupta, Resident of Naya Bazar Kanchan Dal Mill, P.S. and District - Lakhisarai.
3. Rana Anuj Kumar, Son of Kapildeo Singh, Resident of Deokali Guraru, P.S. - Guraru, District - Gaya.
4. Atul Dutta, Son of Sri Bindeshwar Prasad, Resident of Village - Sariyapar, Post - Pathana, P.S. - Islampur, District - Nalanda.
5. Munna Kumar, Son of Ayodhya Prasad, Resident of Patwatoli, Ward No. 13, Daudnagar, P.S. - Daud Nagar, District - Aurangabad.
6. Md. Shahabuddin, Son of Md. Didar Baksha, Resident of Dhibri Molanchak, Khudaganj, District - Nalanda.
7. Rajeev Kumar Jha, Son of Ram Anugrah Jha, Resident of Village and P.O. and P.S. - Bangaon, District - Saharsa.
8. Lakhan Kumar, Son of Kesho Ravidas, Resident of Kanjiyar, P.O. - Amarut, P.S. - Dobhi, District - Gaya.
9. Munna Kumar, Son of Umanath Prasad, Resident of Village - Kalyan Bigha, P.O. - Barh, P.S. - Harnaut, District - Nalanda.
10. Akhilesh Kumar, Son of Mukhdeo Singh, Resident of Village and P.O. - Ward Madanpur, District - Aurangabad.
11. Neeraj Kumar, Son of Kamla Prasad, Resident of Village - Chakdaulat, P.O. - Chandhari, P.S. - Islampur, District - Nalanda.

... .. Petitioners

Versus

1. The State of Bihar, through the Deputy Secretary, Rural Development Department, Main Secretariat, Patna.
2. The Director, Social Forestry, Rural Development Department, Government of Bihar, Patna.
3. The Commissioner, Mahatma Gandhi National Rural Employment, Guaranti Act (MANREGA in short), Rural Development Department, Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The Deputy Development Commissioner, East Champaran, Motihari.
6. The District Magistrate, Darbhanga.
7. The Deputy Development Commissioner, Darbhanga.
8. The Block Development Officer, Dhaka, District - East Champaran.
9. The Block Development Officer, Chhaudodani, District - East Champaran.
10. The Block Development Officer, Tetariya, District - East Champaran.
11. The Block Development Officer, Motihari Sadar, District - East Champaran.
12. The Block Development Officer, Ramgarhwa, District - East Champaran.



13. The Block Development Officer, Chiraiya, District - East Champaran.
14. The Block Development Officer, Ghanshyampur, District - Darbhanga.
15. The Block Development Officer, Paharpur, District - East Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate
Mr. Tapeswar Sharma, Advocate
For the Respondent/s : Mr. Binay Kumar Pandey, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-04-2023 As prayed, four weeks' time is granted to learned counsel for the petitioners for removal of the defects.

At the outset, learned counsel for the petitioners submits that there has been some mistakes in the name of some of the petitioners. He has sought permission to make necessary corrections in the name of the five petitioners who are Ram Jee Prasad, son of Beslal Prasad, Chandan Kumar Gupta, son of Bijay Kumar Gupta, Ram Kumar Anuj, son of Kapildeo Singh, Atul Chandra, son of Sri Bindeshwar Prasad and Lallan Kumar, son of Kesho Ravidas.

Learned counsel for the State has no objection to learned counsel for the petitioners' carrying out the corrections.

In the circumstances, the prayer is allowed. Let the name of such petitioners be corrected accordingly.

Petitioners in the present case are seeking a direction to the respondents to transfer them from one district to another in terms of letter no. 313834 dated 15.06.2017 as contained in



Annexure 'P4' to the writ application.

Learned counsel for the petitioners submits that the petitioners have applied for the inter district transfer in terms of the transfer policy. They are working on the post of Panchayat Rojgar Sevak since the year 2007 under the Bihar Rural Development Society, which is an autonomous society promoted by Rural Development Department, Government of Bihar.

The State Respondent Nos. 6, 7 and 14 have filed a counter affidavit which is sworn by the Programme Officer, Ghanshyampur.

Mr. Binay Kumar Pandey, learned AC to GA-2 categorically submits that the counter affidavit is vague and no definite stand may be found from the counter affidavit. Learned counsel for the state, however, submits that there are certain modalities to be followed for purpose of effecting the transfer policy and in the case of these petitioners also, if they would satisfy the conditions prescribed in the transfer policy, their request shall be considered.

Having regard to the facts and circumstances of the case and the stand of the State and that by following the modalities which may be framed to give effect to the transfer



policy, the case of the petitioners shall be considered, this writ application is being disposed of with a direction to the concerned respondents to consider the case of the petitioners under the policy in question if they are eligible to be considered in the said policy and there is no other hindrance in giving effect to the said policy.

Let it be recorded that this Court has not gone into the merit of the transfer policy and the direction contained hereinabove is solely based on the stand taken on behalf of the State.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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