

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6692 of 2022

Abhiram Trivedi Son of Sri Ram Balak Trivedi, Resident of Pathakpuri,
Bibiganj, Ward No. 7, P.O.- Bhagwanpur, P.S. - Sadar, District- Muzaffarpur.
... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, New Secretariat, Patna.
3. The Additional Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Dhurendra Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking a direction to the respondents to consider his representation submitted on 21.01.2021 through a proper channel seeking his transfer in terms of the policy decision of the State Government issued on 3rd June, 2009. It is his submission that his wife is working as an Assistant Teacher at Muzaffarpur and his father is 80 years old who is also residing at Muzaffarpur. It is submitted that due to his posting at far distant places, dehors to the government's policy to consider posting of the husband and wife who are in government service on spousal ground at one place, the



petitioner is not able to look after his father, wife and children which is causing a sense of insecurity and helplessness in the family.

It is submitted that his representation has been forwarded by the District Magistrate, Madhepura to Principal Secretary, General Administration Department, Bihar vide letter no. 14-1 dated 05.02.2021 and the same is pending consideration.

A counter affidavit has been filed on behalf of the State. Even as, in the counter affidavit, the respondents have taken note of the grounds on which the petitioner is seeking his transfer in terms of the government's policy, no care has been taken to address the said ground. The only thing which is stated in the counter affidavit is that in the interest of government work, the petitioner has been transferred from Purnea to Madhepura.

This Court appreciates that in the matter of transfer, no judicial intervention is normally done but here is a case in which the grievance of the petitioner is that the guidelines issued by the Cabinet Secretariat Department as contained in its Letter No. 01/R-28/2006-881 dated 03.06.2009 is not being taken care of. The counter affidavit does take note of the said



guideline of the Cabinet Secretariat Department and the grounds mentioned therein but again the only statement made is that Clause (A) thereof is not applicable. There is no answer as to why Clause (B) and (D) could not be considered. In this case, the petitioner has remained posted at Purnea and Madhepura for last five years.

In such circumstance, this writ application is being disposed of with a direction to the Principal Secretary, General Administration Department (Respondent No. 4) to take an appropriate decision keeping in view the guidelines of the government and other relevant considerations within a period of three months from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

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