

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12017 of 2021**

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Ravindra Kumar Singh Son of Sri Yogendra Prasad Singh, Resident of Village-Daulatpur, P.S.-Jamalpur, District-Munger and also Resident of Malepur, P.S.-Malepur, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police (Head Quarter) Bihar, Patna.
4. The Inspector General of Police (Head Quarter) Bihar, Patna.
5. The Deputy Inspector General of Police (Personnel) Bihar, Patna.
6. The Superintendent of Police, Naugachhiya.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr.Shailendra Kumar Verma, Advocate |
|                      |   | Ms. Shail Kumari, Advocate          |
| For the Respondent/s | : | Mr.Ruchikar Jha, AC to SC-8         |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

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

Petitioner in the present case is aggrieved by and dissatisfied with the order as contained in memo no.472 dated 11.06.2021 (Annexure- '8') by which his request for his transfer from Police District Naugachhia to Police District Jamui has been rejected.

It is the case of the petitioner that his wife is posted as a Government Block Teacher in the Upgraded Middle School, Bahira (Barhat), Jamui since a long period and because Jamui is a super sensitive area owing to often attack of Naxalites, she is



facing hardship in living alone there.

It is his submission that the request of the petitioner for transfer was forwarded as back as on 26.07.2019 but it was considered after about one year nine months and then it has been rejected.

The petitioner has relied upon the policy of the State Government in the matter of postings on the spousal ground. Reference in this regard has been made to the order dated 6<sup>th</sup> October, 1967 and memo no.3906 dated 19.09.2011 as contained in Annexure- '1' and '2' to the writ application.

Learned counsel for the State submits that on the recommendation of the Central Establishment Committee, the case of the petitioner along with various other similarly situated persons were taken up for consideration and ultimately the request of the petitioner was rejected. There is, however, no response to the submission of the petitioner that his request for transfer was kept pending for about two years before rejecting it in one word “अस्वीकृत”.

In the given facts and circumstances, this Court is of the considered opinion that in absence of any specific reason for not abiding by the government's policy on the transfer and posting, the respondents are obliged to abide by the policies



formulated by the government vide Annexure- '2' to the writ application.

Learned counsel for the State has drawn the attention of this Court towards the second line of Annexure- '8' to submit that the representations are considered keeping in view the availability of the vacancies. It is submitted that whenever the vacancies would be available, if the petitioner applies for transfer his case would also be considered afresh.

This Court is of the considered view that a representation filed by the petitioner, if kept pending for about two years and then it is rejected in one word saying “अस्वीकृत”, it leads nowhere. Such vague words only make the second line of the order contained in Annexure- '8' unmeaningful. The respondents should be bonafide in the matter of abiding by their policy decisions and the Central Establishment Committee which considers the cases of the transfer on certain grounds is obliged to convene and hold its meeting from time to time in such a manner that the representations are not left pending for years together and then it is rejected in vague words.

In such circumstance, the impugned order is liable to be set aside. In the present case, since almost two years have gone after the rejection of the representation of the petitioner, in



view of the stand taken by learned counsel for the State, the petitioner may submit a fresh representation which the respondents will consider keeping in view the policy decisions and other relevant considerations within a reasonable period.

This writ application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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