

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8672 of 2023

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Rahul Singh, Son of Rajendra Singh, Resident of 380/141 D-4A, Rajrooppur,
Police Station- Dhumanganj and District- Allahabad (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The Union of India through the Director General, Sashastra Seema Bal (S.S.B.), East Block- V, R.K. Puram, New Delhi- 110066.
2. The Director General, Sashastra Seema Bal (S.S.B.), East Block-V, R.K. Puram, New Delhi- 110066.
3. The Inspector General (Pers.), Sashastra Seema Bal (S.S.B.), East Block-V, R.K. Puram, New Delhi- 110066.
4. The Second-in-command (Pers-III), Directorate General, Sashastra Seema Bal (S.S.B.), East Block-V, R.K. Puram, New Delhi- 110066.
5. The Inspector General, Sashastra Seema Bal (S.S.B.), FTR HQRS, Rajeev Nagar, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Pushkar Narain Shahi, Sr. Advocate Mr. Manish Kumar No.2, Advocate
For the Union of India	:	Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-08-2023 1. Heard learned senior counsel for the
petitioner and learned counsel for the Union of India.

2. The petitioner is a Sub-Inspector in the
respondent-Force. He is aggrieved by his transfer which is
effective as per office order dated 15.04.2023, posting him to
State Headquarter, Ranidanga. Prior to issuance of the transfer
order, the petitioner was stationed at the Frontier Headquarters
at Patna. The petitioner sought extension of the time for joining
at State Headquarter, Ranidanga by invoking Clause 6 ii of the



Instructions for Annual Transfer Procedure (hereinafter referred as “Instructions”) as contained in the Intra Office Note dated 24.02.2023, which reads as follows:-

“6. Posting and Transfer on compassionate grounds:-

(In reference to Para-6 (c) (4) of SOP)

Transfer on compassionate grounds will be done in relaxation of the tenure norms. Normally, transfer on compassionate ground will be considered by the DTC on the following grounds only:-

....

ii) For education of Children who are due to appear in board examination of 10th & 12th. ”

3. It is the petitioner’s case that his son is in the midst of his XIIth class and is likely to appear for the XIIth board examination to be conducted in March, 2024.

4. It is submitted by learned senior counsel for the petitioner that the Instructions issued by the respondent-Authorities themselves consider the same as a circumstance worthy of consideration, favorable to the employee, however, the petitioner’s request has not been acceded to. Rejection is contrary to the Instructions dated 24.02.2023.

5. The Union of India has filed an affidavit. The reason assigned for not acceding to the petitioner’s request, relying upon the Instructions, is to be found in paragraph-19 of the counter-affidavit. They have stated that the petitioner sought



to change his transfer from State Headquarter, Randinaga to Frontier Headquarter, Lucknow on educational ground of his son as well as medical ground of his father.

6. This court finds that the requests for transfer from the State Headquarter, Ranidanga to Frontier Headquarter, Lucknow, on educational ground of petitioner's son or medical ground of the petitioner's father is not covered by Clause 6 ii of the Instructions. Petitioner's son, as per averments in the writ petition, is not studying in Lucknow. He is said to be studying in Class XII at Patna. The other ground regarding his father's illness is also not covered by Clause 6 ii of the Instructions.

7. Learned senior counsel for the petitioner submits that the choice for Lucknow was given in a routine way as it is solicited at the time of the annual transfers. In fact, the petitioner's son is in the midst of XIIth standard and will be appearing in the final board examination in March, 2024 from Patna. Confining his request to continue in Patna, relying upon Clause 6 ii of the Instructions, he would be preferring his appeal before the competent authority.

8. In view of such submissions, writ application is disposed of to enable the petitioner to approach the competent authority by filing appeal.



9. The court makes it clear that if the petitioner files an appeal within two weeks and his appeal is in terms of the Instructions dated 24.02.2023, the authorities would be under a legal obligation to accord due consideration and pass orders in accordance with law, within a period of four weeks thereafter.

(Madhuresh Prasad, J)

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