

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17278 of 2021

-
-
1. Mahesh Kumar Son of Surendra Pandit, Resident of Mohalla - Dujra, Ranjendra Ghat, P.S.- Ghandhi Maidan, District - Patna.
 2. Mithilesh Kumar, Son of Nagina Mistri , Resident of Village - Bhatu Bigha, P.S. - Pinjrawan, District - Arwal.
 3. Faizuddin, Son of Badruddin, Resident of Mohalla - Khalilpura, Madarasa Gali, P.S.- Phulwari Shrif, District - Patna.
 4. Suraj Kumar, Son of Nathun Ram, Resident of Mohalla - Beur, Jora Kuan, P.S.- Beur, District - Patna.
 5. Shashi Snehi, Son of Gyan Prakash, Resident of Mohalla - Bari Sangat, Noniya Ghat, P.S.- Jehanabad, District - Jehanabad.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Bihar Vikas Mission through its Chief General Manager, Office at Bihar State Building Construction Corporation Campus, Rajvanshi Nagar, Patna.
3. The Chief General Manager, Office at Bihar State Building Construction Corporation Campus, Rajvanshi Nagar, Patna.
4. The Member Secretary-cum-Principal Secretary Bihar Vikas Mission and Cabinet Secretariat, Government of Bihar Patna.
5. Shambhu Kumar Son of Rajlal Prasad, Posted as single window operator at District Registration counseling Centre (DRCC) Patna, District Patna.
6. Sonu Kumar, Son of Akhileshwar Prasad Singh, Posted as single window Operator at District Registration counseling Centre (DRCC) Arwal, District - Arwal.
7. Sanjay Kumar, Son of Mina Paswan, Posted as single window Operator at District Registration counseling Centre (DRCC) Samastipur, District - Samastipur.
8. Chandan Kumar Son of Ram Chandra Roy, Posted as single window Operator at District Registration counseling Centre (DRCC) Motihari, District East Champaran.
9. Rahul Raj, Son of Chote Prasad Karn, Posted as single window Operator at District Registration counseling Centre (DRCC) Patna, District Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sarvadeo Singh, Advocate Mr. Md. Anjum Akhter, Advocate
For the State	:	Mr. Asit Kumar Jha, AC to GP-2
For Resp. Nos. 2 to 4	:	Mr. Devesh Shankaran, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 24-03-2023 Heard learned counsel for the petitioners and the

State.

The petitioners in the present case are aggrieved by



and dissatisfied with the order of transfer dated 07.08.2021 as contained in Annexure '1' to the writ application.

Learned counsel for the petitioners has informed that these petitioners were appointed on the post of Single Window Operator on contractual basis for eleven months in the District Registration and Counseling Center under the scheme of the Bihar Vikas Mission. Since then, they are working. It is stated that these petitioners are disabled persons and they have been transferred to different places by the impugned orders ignoring the guidelines governing the transfers of persons with disabilities (in short 'PWDs').

In this connection, learned counsel for the petitioners has brought to the notice of this Court the policy decision of the Government of Bihar as contained in notification no. 667 dated 01.08.2019 (Annexure '3'). It is pointed out that under paragraph '5', the policy provides that to ensure special attention to transfer and posting of PwDs in high support group and their parents employed in government/semi-government, State Public Sector undertakings and government-aided organizations to be placed in their home town or any appropriate place where specifically required care is available. No discrimination is to be made with respect to transfer and posting



of PwDs.

Learned counsel submits that on perusal of the counter affidavits, it would appear that the transfer has been done in a general manner without keeping in view the transfer policy with respect to persons with disabilities.

On the other hand, learned counsel for the State submits that these petitioners have already joined the transferred place, moreover petitioner nos. 2 to 5 are not appointed under PwDs category. It is only petitioner no. 1 who has been appointed as person with disability.

Be that as it may, since in the present case, the petitioners have already joined at the transferred place, no interference is required to be made.

This Court would, however, expect that in future whenever transfers are effected, the respondents shall give due regard to its own policy as regards transfer of persons with disabilities and that will be given effect to in its terms and spirit. The petitioners, if so advised, may make their representations for consideration.

This application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

U			
---	--	--	--

