

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13346 of 2022

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Shyam Kishor Mishra Son of Gauri Shankar Mishra, Resident of Village and
P.O.- Nawada, Via- Govindganj, Block- Areraj, District- East Champaran.
... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Chief Executive Officer-cum- Mission Director, Lohiya Swachh Bihar Abhiyan 1st Floor, Vidyut Bhawan, Bailey Road, Patna.
3. State Coordinator Lohiya Swachh Bihar Abhiyan 1st Floor, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Deepak Kumar, Advocate Mr. Mohit Agrawal, Advocate Mr. Lokesh Kumar, Advocate
For the Respondent/s	:	Mr. Vinay Kriti Singh, Sr. Advocate Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-04-2023 Heard learned senior counsel for the petitioner and

Mr. Vinay Kriti Singh, learned G.A.-2 for the State.

2. The petitioner in the present case is seeking the
following reliefs:-

- “(i) To issue an appropriate order(s), direction(s) including a writ preferably in the nature of Certiorari quashing the office order as contained in letter No. BRLPS/LSBA/ESH-HR/79/18/235 dated 07.07.2022 of the respondent no. 2 whereby and whereunder the petitioner has been transferred from East Champaran (Home District) to West Champaran subject to allotment of place/block by concerned Zila Jal and Swachhta Samiti whereas female Block Coordinators have been considered her transfer to some other block of same district except Home Block. The petitioner’s name can be find place at serial No. 197 of the transfer list.
- (ii) To direct the respondent no. 2 to recall the order



of transfer of the petitioner whose wife is also posted in the same district.

(iii) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

3. Learned senior counsel for the petitioner has taken this Court through advertisement (Annexure ‘1’) wherein the petitioner was engaged on honorarium basis as Block Coordinator on a consolidated amount of Rs.9,000/- per month. No other allowance has to be paid to him. Learned senior counsel submits that from the advertisement itself it would appear that the Block Coordinators were selected district-wise and only the persons who were resident of the said district were called upon to apply for the engagement as Block Coordinator in his home district.

4. Learned senior counsel submits that all of a sudden, the Chief Executive Officer-cum-Mission Director, Lohiya Swachh Abhiyan has come out with office order dated 07.07.2022 (Annexure ‘3’) by which the Block Coordinators have been transferred outside their district. It is submitted that the transfer of the Block Coordinators from one district to another district without any allowances and on the consolidated amount of Rs.9,000/- per month on which they had been engaged to work in their home district is liable to cause huge hardships as with a mere sum of Rs.9,000/- per month, it would



perhaps not be possible for them to maintain their households at two different places.

5. Pointing out discrimination in the matter of transfer of the Block Coordinators, learned senior counsel has drawn the attention of this Court towards the last paragraph of the office order dated 07.07.2022 (Annexure '3') whereby a direction has been given to the concerned district where the Block Coordinators have been transferred vide Annexure '3' to post the already posted lady Block Coordinators in a block other than their home block within the same district.

6. Learned senior counsel submits that the last paragraph of Annexure '3' creates a class whereunder the ladies Block Coordinators have though been allowed to remain in the same district but the petitioner who had joined initially as per advertisement and were given to understand that their engagement is for the district in which they are residing is now being transferred outside the district at a substantial distance. It is stated that the petitioner has, during pendency of the writ application, joined their transferred place.

7. Learned counsel for the petitioner submits that the petitioner has made a representation vide Annexure '5' to the writ application which is pending consideration with respondent



no. 2.

8. Mr. Vinay Kriti Singh, learned G.A.-2 for the State submits that respondent no. 2 shall consider the representation of the petitioner and would pass an appropriate order keeping in view the policy decision of the Government and other considerations.

9. In the aforesaid view of the matter, this writ application is being disposed of with a direction to respondent no. 2 to consider the representation of the petitioner keeping in view the transfer policy and other considerations including what were given to understand to the petitioner in terms of the advertisement contained in Annexure '1' and pass a reasoned order within a period of two months from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

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