

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14416 of 2022

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Santosh Kumar Son of Nageshwar Singh, Resident of Village - Mataso Tola
Sundarchak, Post Office - Fatehpur, Police Station - Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Minor Water Resources Department, Patna.
2. The Engineer-in-Chief, Minor Resources Department, Patna.
3. The Chief Engineer (Planning and Monitoring and Underground) Minor Water Resources Department, Patna.
4. The Chief Engineer, Minor Water Resources Department, Patna Zone, Patna.
5. The Executive Engineer, Minor Irrigation Division, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv. Mr. Ram Vinay Pd. Singh, Adv.
For the Respondent/s	:	Mr. Ajit Kumar (G.A.9) Mr. Manoj Kumar Sinha, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is seeking the following
reliefs :

(i) A writ in the nature of certiorari setting aside the office order bearing Memo No. 557 dated 30.06.2022 issued under the signature of Respondent No. 3 whereby and where under petitioner has been transferred from Minor Irrigation Division, Jehanabad to Minor Irrigation Division, Motihari which is without jurisdiction and taking in to consideration



that the Respondent Chief Engineer who is the competent authority to transfer the class III employee within Division and accordingly vide Office Order bearing Memo No. 1435 dated 30.06.2022 has already issued he transfer order under which petitioner has been transferred from Jehanabad to Buxar under Minor Irrigation Division.

(ii) To hold the office Order bearing No. 1435 dated 30.06.2022 issued under the signature of Respondent No. 4 under which petitioner has been transferred from Minor Irrigation Division, Jehanabad to Minor Irrigation Buxar which is conformity with Rule 15 of Minor Water Resources Department (Works Department) Clerical Cadre (Recruitment and Service Condition) Rules 2016 under which Respondent Chief Engineer (Respondent No. 4) is the competent authority to transfer within Zone which has been done.

(iii) For a direction upon the Respondent concerned to relieve the petitioner for joining at his transferred place in view of office order bearing Memo No. 1435 dated 30.06.2022 issued under the signature of Respondent No. 4.

(iv) Any other order/orders for granting any other relief/ reliefs for which



the petitioner found entitled in the facts and circumstances of the case.

Learned counsel for the petitioner submits that initially some hiccups took place because the petitioner was transferred at two different places but now the petitioner has joined at Motihari on 4.11.2022.

Learned counsel for the State, however, submits with reference to the statements made in paragraph '11' of the counter affidavit that the petitioner ignored the transfer letter and decided to take sudden leave without taking due permission from the concerned department from 22.8.2022 (noon).

Be that as it may, since the petitioner has already joined at the transferred place and no illegality or infirmity has been shown to this Court with the transfer order, this Court finds no reason to quash the impugned order.

This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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