

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16152 of 2022

Om Prakash Singh son of Late Ramswarup Singh, Resident of Mohalla-CID Colony, Shashtrinagar, P.S.-Shashtrinagar, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police, Crime Investigation Department, Bihar, Patna.
4. The Deputy Inspector General of Police (Personal), Bihar, Patna.
5. The Superintendent of Police (C), Crime Investigation Department, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Respondent/s : Mr. Ajay Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the State.

The petitioner in the present case has though questioned his transfer from Crime Investigation Department, Bihar, Patna to Aurangabad District Force, at this stage learned counsel for the petitioner submits that instead of questioning the transfer order he would request this Court to direct the competent authority to consider Annexure '3 series' which the letter of the Superintendent of Police (C), CID, Bihar, Patna contained in Memo No. 2316 dated 14.09.2022.

Learned counsel submits that the petitioner has now less than two years of service and in the counter affidavit, the respondents have themselves stated that Rule 778(iii) of the



Police Manual prescribes that the officers and men on the verge of retirement (2 years or less to go) may be posted to their home district on request if exigency of public service permit it.

Learned counsel submits that several reasons which compelled the petitioner to make representation against the order of transfer are still existing, therefore, his case be considered in the light of the provision available in the Police Manual.

Learned counsel for the State has opposed the writ application. It is submitted that the petitioner has stayed at Patna for 34 years out of his 37 years of service period so far. Learned counsel submits that no fault may be found with the order of transfer.

Having regard to the facts and circumstances of the case, this Court finds that the petitioner is not challenging the order of transfer at this stage and his only prayer is to consider his representation in the light of the recommendations of the ADG, CID as communicated vide Annexure '3 series' under signature of the Superintendent of Police (C), CID, Patna and as per Rule 778(iii) of the Police Manual.

This Court is of the considered view that the respondent authorities will look upon the request of the



petitioner and the recommendations as also the provisions available in the Police Manual and take a view thereon within a period of two months from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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