

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3044 of 2024

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Santosh Upadhyay Son of R.B. Upadhyay Resident of Shree Dham, Gautam Nagar, Opposite Dr. K. N. Mani, Police Station- Chandauti, District- Gaya, Permanent resident of Village- Nandana, Post Office and Police Station- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief (Head Quarter) Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer (South) Road Construction Department, Government of Bihar, Patna.
5. The Superintending Engineer Road Construction Department, Magadh Road Circle, Gaya.
6. The Executive Engineer, Road Construction Division, Road Division No. 1, Gaya.
7. The Executive Engineer, Road Construction Department, Road Division, Arwal.
8. Anil Kumar, Junior Accounts Clerk, Road Construction Department, Road Division No. 1, Gaya (South).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra
For the Respondent/s : Mr.Standing Counsel (21)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-03-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of writ in the nature of certiorari for quashing transfer order issued vide office Order No. 33 dated 29.06.2022 whereby whereunder the petitioner was transferred from the office of the Executive Engineer, Division



No. 1, Gaya to the office of Executive Engineer, Road Construction Department, Road Division, Arwal on the basis of the letter issued by the M.L.A. and after verification the letter was found false and fabricated as reported by Sri Birendra Singh M.L.A., 234. Wazirganj, Gaya that someone has misused his letter pad and requested the authority for enquiry and appropriate accordance with law.

(ii). For issuance of writ in the nature of Mandamus for direction to the respondent authorities for transfer of the petitioner on the basis of mutual consent and as directed by the Chief Engineer, Road Construction Department, Patna after due consideration of health issue of the petitioner and his Medical Prescription issued by the Doctor in accordance with law in the interest of justice.

(iii). For further issuance of writ in the nature of Mandamus for direction to the Executive Engineer, Road Construction Department, Division No. 1, Gaya for enquiry and appropriate action against Anil Kumar, Junior Accounts Clerk, Road Construction Department, Road Division No. 1, Gaya who have sent a letter in the department by using letter pad of M.L.A. namely Birendra Singh on the basis of his false signature as the aforesaid employee working in Division No. 1 office, Gaya from more than twelve (12) years despite of the fact that the Gaya District is



his home district contrary to the circular issued by the Government.”

2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the Respondents authorities for redressal of his aforesaid grievances. Liberty, so sought, is granted.
3. The present writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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