

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15142 of 2014

Sumant Kumar S/O Sri Panchanam Upadhyaya, Resident of B-22, Gandhi Vihar Police Colony, P.S.- Gardanibagh, P.O.- Anishabad, District- Patna, presently posted as Typist, State Legal Forensic Science Laboratories, Jharkhand at Hotwar, P.O. P.S.- Hotwar, District- Ranchi Petitioner/s
Versus

1. The State Of Bihar through the Principal Secretary, Home Police Department, Government of Bihar.
2. The Joint Secretary, Home Police Department, Govt. of Bihar, the then Incharge of FSL
3. The Director (Incharge), The Forensic Science Laboratories FSL, Patna At in front of Radio Wireless Office, P.S.- Shastri Nagar, Bailey Road, Patna, presently at Lalit Bhawan, Bailey Road, Patna
4. The Nodal Officer, Cadre Transfer Incharge, Special Home Department, Govt. of Bihar at Old Secretariat, Patna
5. Dy. Secretary, Special Home Department, Govt. of Bihar at Old Secretariat, Patna
6. The Home Police Department, State of Jharkhand, Project Office, Ranchi
7. The Director, Rajya Vidhi Vidyan Prayogsala (FSL), Near Hotwar Jail, Ranchi
8. Md. Ismail, Assistant S/o not known
9. Satyendra Nr. Singh, Assistant S/o Not Known,
10. Biteshwar, FSL, Muhaffarpur S/o not known
All posted at the Forensic Science Laboratories (FSL), Patna in front of Radio Wireless Office, P.S.- Shastri Nagar, Bailey Road, Patna, presently at Lalit Bhawan, Bailey Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kuber Pathak, Advocate
For the Respondent/s : Mr. Anirban Kundu, SC-24

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-08-2024 Heard Mr. Kubar Pathak, learned counsel appearing on behalf of the petitioner and Mr. Anirban Kundu, learned SC-24 appearing on behalf of the State.

2. Mr. Anirban Kundu, learned counsel appearing on behalf of the State informs that the petitioner belongs to Jharkhand cadre, where he was posted as typist. The work strength of typist in general category is only of two posts and on



those two posts, two persons have already been posted, for which, he refers to paragraph nos. 2, 4 and 5 to the counter affidavit and as such, the grievance of the petitioner has been rejected. He further submitted that in paragraph no.8 to the counter affidavit, filed on behalf of the respondents no.1, 2, 4 and 5, the said fact has been clarified and it has been informed that since the concurrence of both the States and availability of posts are mandatory for interstate transfer of an employee and (Home) Police Department, Govt. of Bihar having withdrawn its concurrence, the proposal of interstate transfer of the petitioner has been rejected by order issued by the Home (Special) Department, Bihar, as contained in letter no.98 dated 03.01.2014 and accordingly, it has been mentioned to the wife of the petitioner.

3. Considering the aforesaid information, I don't find any reason to interfere with the action taken by the respondent so far as mutual transfer of the petitioner is concerned, in absence of the post.

4. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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