

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10337 of 2024

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Balram Singh, Son of Sri Mahendra Singh, Resident of Village-Rutlu, P.S.-
Chauparan, District-Hazaribagh (Jharkhand) at Present Posted as Sub
Inspector/ EXE, C.I.S.F. Unit A.S.G., Patna.

... .. Petitioner/s

Versus

1. The Union of India through Home Secretary, North Block, New Delhi.
2. Director General, Central Industrial Security Force, Block-13, C.G.O's
Complex, Lodhi Road, New Delhi.
3. Additional Director, General, Airport, New Delhi.
4. Commandant, Central Industrial Security Force, A.S.G. Patna. District-
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Advocate
For the Respondent/s : Ms. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

57 27-08-2024

1. The Petitioner is a Member of Central Industrial
Security Force (CISF). He is posted at A.S.G., Patna. By an
order, dated 18th of June, 2024, the Petitioner has been
transferred in the Rank of SI/EXE to A.S.G., Varanasi Unit. He
has filed the instant application under Article 226 of the
Constitution of India, praying for issuance of an appropriate
writ/writs, directing the Respondent authorities to extend the
tenure of his place of posting at Patna on educational ground of
his son.

2. It is stated by the Petitioner that the office of the
Director General, Central Industrial Security Force issued



Circular No. 22/2017, dated 25th of September, 2017 on the subjected delineating guidelines for posting / transfer of CISF Personnel (NGOs-Constables, HCs, ASIs, SIs & Inspectors) in various Sectors of CISF. Clause-26 of the said guidelines deals with the provision relating to “**Extension of Tenure on Education Ground**”, The said clause states: -

“NGOs will be permitted an extension in his/her present unit for one year if his/her ward is studying in 10th or 12th class in the current academic year and staying with him at the place of posting. He/she will not be given extension in the next year on the ground of 2nd ward/wards studying in 10th or 12th class in the subsequent year. This policy is applicable only for two living children and can be availed once for one child’s education. However, if there are operational and administrative considerations, these facilities would be curtailed.”

3. It is the case of the Petitioner that his son, namely, Vaibhav Singh is a student of Class-X and he will appear in CBSE Board examination, to be held in the month of February, 2025. Therefore, he submitted two representations, one on 14th of June, 2024 and the second on 20th of June, 2024 before the Deputy Inspector General/AP, E & NE APS HQR, Kolkata and the Additional Director General, Airport Sector, New Delhi,



respectively, for extension of his tenure for nine months at A.S.G., Patna in the light of the above-mentioned guidelines. However, his representations were rejected.

4. Hence, the instant writ petition.

5. The learned Advocate on behalf of the Petitioner refers to Clause-26 of the above-mentioned Circular. It is also submitted by him that the Petitioner did not pray for extension of his tenure of posting previously. This is for the first time, he has prayed for extension of his tenure for nine months for education of his son, but the Respondent No. 3 rejected his representation without assigning any reason whatsoever.

6. Respondent Nos. 1 to 4 has filed a counter affidavit, denying the entire allegations made by the Petitioner in his application. It is submitted by the Respondents that the Petitioner hails from Hazaribagh, a district in the State of Jharkhand. He was posted as Constable, CISF on 19th of May, 2001 and was promoted to the post of Sub-Inspector after passing limited departmental competitive examination on 8th of October, 2011. He was posted at Patna Airport on 1st of November, 2019. As he completed more than three years in his present place of posting, he was transferred to Varanasi *vide* order dated 18th of June, 2024. It is also stated by the



Respondents that the Petitioner has already availed exemption on educational ground of his ward, namely, Khushi Kumari and as per Clause-26 of the above-mentioned Circular, he is not eligible for exemption on educational ground for second child at the same station.

7. It is contended on behalf of the Respondents that the Petitioner's representations were duly considered and rejected by the Commandant, CISF, ASG, Patna and the reasoned order was sent to the DIG/AP (E & NE), Hqrs., Kolkata. The representation of the Petitioner was rejected on the following ground:

“The individual has been earmarked for posting to ASG, Varanasi during IUT-2024. Now, vide application dated 14.06.2024, he has informed that his wards namely Vaibhav Singh is studying in Class 10th at Gran Niketan School, Patna in Academic year 2024-25. Accordingly, he has requested for deferment of posting upto March-2025.

In this connection, it is submitted that, he was availed exemption from IUT-2023 on the educational ground of his wards, namely, Khushi Kumari and as per existing posting policy, he is not eligible for exemption on educational ground for second child at same station.



However, his representation is forwarded herewith for perusal and disposal as per merit of the case please.”

8. The Petitioner has filed Interlocutory Application, bearing I. A. No. 2 of 2024, stating, inter alia, that CISF personnel are posted for more than four years at Patna. He submitted a list of such CISF personnel. Moreover, he files a copy of the electronic mail of Additional Director General, APS, CISF, APS HQRS, New Delhi, where it is stated that his representation was considered and regretted. No reason assigned in support of rejection of his representation.

9. Having heard the learned Advocate on behalf of the parties and on careful consideration of the materials on record, it is ascertained that the Petitioner did not deny that he did not avail the benefit of Clause-26 of the above-mentioned Circular regarding exemption on educational ground of one of his wards. Therefore, as per the guidelines, he cannot avail of the same benefit at the same station. Moreover, transferability is an incidence of service of the Petitioner. The Petitioner is a member of disciplined force. Therefore, he cannot challenge the order of transfer by filing an application under Article 226 of the Constitution of India.

10. Therefore, I hold that the instant application under



Article 226 of the Constitution of India is misconceived and the
Petitioner is not entitled to get any relief.

Accordingly, the writ petition is dismissed, on contest,
however, without costs.

(Bibek Chaudhuri, J)

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