

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10380 of 2024**

Supriya Tiwari Daughter of Suraj Bansh Tiwari (wife of Rahul Nilankar),  
Resident of Mohalla- South Lohia Path On Nala, Near Green Field School,  
Pragatipuram, Jagdeo Path Bailey Road, P.O.- B.V. College, P.S.- Rupaspur,  
District- Patna.

... .. Petitioner/s

Versus

1. The Canara Bank through Chief General Manager, PM Section/HRM, Head Office- 112, J.C. Road, Bengaluru- 560002.
2. The General Manager, HRM Section, Circle Office, Patna Luv-Kush Tower, 4th Floor, Exhibition Road, Patna- 800001.
3. The Assistant General Manager, HRM Regional Office, Gaya, Asha Sinha More, A.P. colony, Gaya- 823001.
4. The General Manager, HRM Circle Office, Bhopal, Plot No. 4, PSP Area, Near AIIMS, Saket Nagar, Bhopal, (M.P.)- 462026.
5. The Deputy General Manager, HRM Regional Office Bhopal, 3rd, Block, 5th Floor, Paryawas Bhawan, Jail Road, Arena Hills, Bhopal- 462011.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. Parwej Khan, Advocate     |
| For the Respondent/s | : | Mr. Rajan Ghoshrave, Advocate |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**  
**Date : 11-07-2024**

Heard Mr. Parwej Khan, learned counsel appearing on  
behalf of the petitioner and Mr. Rajan Ghoshrave, learned  
counsel appearing on behalf of the respondent/s.

2. The petitioner in paragraph no.1 to the present writ  
petition has sought *inter alia* following relief(s), which is  
reproduced hereinafter:

“The present writ application is being filed on behalf of petitioner for issuance of an appropriate writ in nature of Certiorari, for quashing the order dated 01.06.2024, issued under the signature of respondent No.5, by which the petitioner has transferred from Canara Bank, Kewa (1736), Gaya Regional Office, Patna Circle Office to Canara Bank, Jiwajipur, Bhopal Regional Office, Bhopal Circle Office, as branch head and it has further directed that the petitioner has to join her newly office within 7 days of issuance of this letter (Annexure – P/1), as well as letter dated 14.06.2024 (Annexure – P/2), and also for issuance of a writ in the nature of Mandamus commanding and directing the respondents not to transfer the petitioner from Canara Bank, Kewa (1736), Kaimur at Bhabua, Regional Office, Gaya region, Patna Circle Office, as the husband of the petitioner is also working as manager, scale II, in Punjab National Bank, Kaimur at Bhabua, and as per rule itself if spouse are in government service, then they should be posted together and this basic principle has not followed by the respondents, and the respondents also failed to consider the fact that the husband of the petitioner is in critical illness position and has been strongly recommended to be accompanied by one and also needs proper care, and/or passed any order/orders, direction/directions, which may deem fit and proper in the facts and circumstances of the case.

In support of the relief(s), the petitioner has stated in paragraph no.5 to the writ petition that

“The petitioner had got transfer from Mau, Branch to Bhabua, vide letter dated 27.08.2020 and again the petitioner had got transfer from Bhabua Canara Bank, branch to Patna centralized processing hub on 11.05.2022 and thereafter the petitioner was transferred from Bhabua to Sasaram Canara Bank, branch on 18.05.2022 and again the petitioner was transferred from Sasaram branch to Kewa branch, Kaimur at Bhabua vide letter dated 26.05.2023 and lastly within a year she has again transferred from Kewa to Bhopal, Regional Office, Canara Bank, Jiwajipur vide letter dated 01.06.2024 and vide letter dated 14.06.2024, further direction has been issued to join to transferred place within further delay.”

I find the same calls for interference making it penal in nature.

A request was made to Mr. Satyaveer Bharti, learned counsel, who is present in the Court, to go through the guidelines of the Canara Bank on transfer policy, as effective

from 17.01.2024.

3. Mr. Bharti informs that from communication dated 17.01.2024, it would appear that “an officer is liable to be transferred outside the region, upon completion of the maximum period of 8 years at a stretch (irrespective of the scale they worked in that region)”, which is read with First Clause as reproduced hereinafter:

Generally, transfer of officers from one place to another can be considered only after completion of 3 years' service at the branch / office except on promotion or on request by the concerned officer i.e., the officer can be transferred on promotion / on request / administrative exigencies, even though they have not completed the minimum tenure of 3 years at a place. However, the above transfers shall be considered subject to administrative exigencies and availability of vacancies only.

Mr. Bharti has referred to the impugned order of transfer contained in letter dated 01.06.2024 and would submit that the same is violative of the internal guidelines and the settled principle of law.

4. Taking into consideration, the transfer of the petitioner within a very short span of time at different places, can only be held to be penal in nature, and, he submits that the order cannot be said to be in accordance with law.

5. Considering the aforesaid submissions, as well as, communication dated 17.01.2024 and the guidelines contained therein and referred hereinabove, I find that the present one is

the case, where the transfer order of the petitioner cannot be considered to be in accordance with law.

6. I find that the decision to transfer the petitioner has been taken with extraneous reason, best known to the authority. The reason of transfer of the petitioner to another Circle, within a period of eight years, is also not given in the order. The proceeding of the Deputy General Manager dated 01.06.2024, under the above mentioned facts and circumstances, cannot be said to be in accordance with law. Accordingly, the order dated 01.06.2024 is set-aside and quashed.

7. The Authority concerned, may take decision in accordance with the internal communication / guidelines of transfer, which is effective from 1<sup>st</sup> January, 2022.

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

Ashishsingh/-

**(Purnendu Singh, J.)**

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