

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10308 of 2024

1. Vikesh Kumar Son of Sri Yogendra Pathak Resident of Ward No.9 Mohanpur, Post- Bariarpur, P.S. Sitamarhi, District- Sitamarhi, presently posted as Block Executive Assistant in the office of Block Panchayat Raj Officer, Majorganj, District- Sitamarhi.
2. Anand Prakash Son of Sri Sheo Kumar Mishra Resident of Ward No.4, Dumra, P.O. and P.S. Dumra, District- Sitamarhi, presently posted as Block Executive Assistant in the office of Block Panchayat Raj Officer, Sonebarsa, District- Sitamarhi.
3. Abhishek Kumar Ranjan Son of Sri Shankar Ram Resident of Village- Parsurampur, P.O. Parsurampur, P.S. Parsauni, District- Sitamarhi, presently posted as Block Executive Assistant in the office of Block Panchayat Raj Officer, Riga, District- Sitamarhi.
4. Santosh Kumar Son of Sri Nathuni Prasad Resident of Village- Pathrahi, P.O. Shivaipatti, P.S. Bajpatti, District- Sitamarhi, presently posted as Block Executive Assistant in the office of Block Panchayat Raj Officer, Choraut, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi, District- Sitamarhi.
4. The District Panchayat Raj Officer, Sitamarhi, District- Sitamarhi.
5. The Block Development Officer, Majorganj, District- Sitamarhi.
6. The Block Development Officer, Sonebarsa, District- Sitamarhi.
7. The Block Development Officer, Riga, District- Sitamarhi.
8. The Block Development Officer, Choraut, District- Sitamarhi.
9. The Block Panchayat Raj Officer, Majorganj, District- Sitamarhi.
10. The Block Panchayat Raj Officer, Sonebarsa, District- Sitamarhi.
11. The Block Panchayat Raj Officer, Riga District- Sitamarhi.
12. The Block Panchayat Raj Officer, Choraut, District- Sitamarhi.
13. Sri Jitendra Kumar Son of not known to the petitioners, Presently posted as the Panchayat Executive Assistant, Gram Panchayat Raj, Purandaha Rajwara East, Block- Sonebarsa, District- Sitamarhi.
14. Sri Nitesh Kumar Son of not known to the petitioners Presently posted as Block Executive Assistant in the office of Block Panchayat Raj Officer, Dumra, District- Sitamarhi.
15. Sri Arun Kumar Son of not known to the petitioners Presently posted as Block Executive Assistant in the office of Block Panchayat Raj Officer,



Bathnaha, District- Sitamarhi.

16. Sri Prabhat Kumar Son of not known to the petitioners, Presently posted as the Panchayat Executive Assistant, Gram Panchayat Raj Khairwa, Block Majorganj, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (15)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for quashing the office order dated 29.06.2024 issued under the signature of respondent No.3 contained in his Memo No.1687 dated 29.06.2024.

3. Learned counsel for the petitioners submits that the petitioners were appointed as Executive Assistant in Block whereas by this transfer order the petitioners were transferred from Block Assistant Executive to Panchayat Executive Assistant. Counsel submits that in Annexure-P-7, the source of payment for Gram Panchayat Executive Assistant and Block level Executive Assistant are different. One is from Sixth Finance Commission whereas another is from the State Scheme. Counsel submits that there shall be a great inconvenience in future if the petitioners shall accept their



joining at the Panchayat level because their source of entry and source of payment are different. Counsel also submits that in different districts of Bihar, the transfer of Block Executive Assistants have been made in another Block being Executive Assistant and not in Panchayat, except in the case of the petitioners.

4. Learned counsel for the State submits that transfer has been made due to the administrative reasons. Therefore, interference may not be made in the transfer order.

5. It transpires to this Court that the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna, shall be the competent person for all the petitioners, who shall decide such issues but petitioners moved before this Court without filing any representation before him.

6. In this view of the matter, this writ petition is disposed off, directing the petitioners to file representation before the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna, within a week and Additional Chief Secretary shall decide the matter relating to the petitioners within 30 days from the date of filing of the representation.

7. It is made clear that this Court has not applied its



mind on the merits and demerits of the case and Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna, shall pass a reasoned and speaking order on the points mentioned in the petition, as well as in accordance with law.

(Dr. Anshuman, J)

Mkr./-

U			
---	--	--	--

