

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11781 of 2024

Shayista Hoda Wife of Imdadullah R/o- Mohalla Haroon Nagar, 281/2, P.O.
and P.S. Phulwarisharif District-Patna 801505

... .. Petitioner/s

Versus

1. The Union of India through Registrar General Census Commissioner of India Government of India, Ministry of Home Affairs West Block-I, R.K. Puram, New Delhi-10001.
2. The Deputy Secretary to the Government of India Ministry of Home Affairs Registrar General and Census Commissioner India, Admin 0II Section West Block 0I, R.K. Puram New Delhi-110001.
3. Director of Census Operations, Bihar Ministry of Home Affairs, Directorate of Census Operation Bihar, 8th Floor, C.G. Block, Karpoori, Bihar 8th Floor, C.G. Block, Karpoori, Thakur Sadar, Ashicna, Digha Road, Patna 800025.
4. The Joint Director Cum Office Superintendent Census Operations Bihar, Government of India, Ministry of Home Affairs, Directorate of Census Operation, Bihar 8th Floor C.G. Block Karpoori Thakur Sadan Ashana Digha Road, Patna 800025.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Majid Mahboob Khan, Advocate
For the UOI	:	Mr. K.N. Singh, Additional Solicitor General
		Mr. Amish Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-09-2024

In the instant petition, petitioner has prayed for the
following relief(s):-

*"For issuance of writ/writs,
order/orders, command/commands,
direction/directions and for issuance of a writ in
the nature of certiorari quashing the order dated
02.04.2024 passed in Case No.
OA/050/00483/2023 by Central Administrative
Tribunal, Patna Bench whereby it dismissed the*



original application in which petitioner had challenged the order dated 20.06.2023 issued by Under Secretary to govt. of India who rejected the application of the petitioner dated 09.05.2023 and till the final disposal of the present writ status quo may be passed."

2. Petitioner was appointed on the post of Assistant Compiler on compassionate ground on 20.09.2004. Thereafter, she has earned promotion to the post of Compiler on 12.09.2013 and further she has earned promotion to the post of Statistical Investigator for Group-B post on 21.10.2022. Thereafter, for the purpose of transfer and posting *vide* official Memorandum dated 19.03.2018 concerned persons were required to exercise option of transfer to three places. Petitioner had submitted her option on 22.12.2022 in the order of preference DCO Bihar, DCO Jharkhand and DCO West Bengal. In the light of her option, she has been transferred to Kolkata (West Bengal) on 08.05.2023. Feeling aggrieved by the transfer order dated 08.05.2023 petitioner preferred original application, i.e., OA No. OA/050/00483/2023 before the Central Administrative Tribunal, Patna Bench, Patna (for short "CAT"). It was dismissed on 02.04.2024. Hence, the present petition.

3. Learned counsel for the petitioner submitted that there is discrimination among the officials in giving effect to the transfer order. Pursuant to transfer order dated 08.05.2023, petitioner had



submitted representation on 09.05.2023 and it was forwarded on 18.05.2023, thereafter, it was rejected on 20.06.2023. Similarly situated persons who were stated to have submitted representation and their cases have been considered on 17.06.2023 while retaining large number of persons against the post held by each of them. Therefore, there is a discrimination among the officials.

4. *Per contra*, learned counsel for the respondents submitted that there is no discrimination among the officials on the other hand transfer order is in accordance with option exercised by the petitioner, petitioner has been transferred from Patna to Kolkata, therefore, there is no infirmity. He has not produced material information to the extent of discrimination. Merely pointing out retaining of certain officers in the original position/place that does not amount to discrimination. It all depends on service particulars of each of the employee/officer. The petitioner has not appraised with the material information to the extent that such of those retained officers would stand on par with the petitioner in all respect including service particulars.

5. Heard learned counsel for the respective parties.

6. Petitioner has assailed order of transfer from Patna to Kolkata before the CAT and it is rejected. Transfer of employees/officials are administrative matters which are required



to be examined by their employer. On this issue, Hon'ble Supreme Court in the case of **State of Punjab and others v. Joginder Singh Dhatt** reported in **AIR 1993 SC 2486** held that it is entirely for their employer to take decision insofar as transfer of employee/officer like where to post and how to get work done. In other words, Courts should not interfere in the transfer matters unless and until there is violation of statutory rules, *mala fide* urged against the transferring authority. In the present case, the aforementioned contentions are not forthcoming or addressed by learned counsel for the petitioner.

7. Insofar as discrimination issue is concerned, even though petitioner has pointed out that certain officers have been retained in their original place, however, she has not produced service particulars of such of those discriminated persons on par with the petitioner's service particulars. Insofar as petitioner is concerned for about twenty years she is in Patna. If the petitioner has appraised this Court that X, Y, Z they are also working in Patna in a particular place and office for about twenty years and still they have been retained in their original position one can draw inference that there is discrimination. In this regard, she has not produced any material information so as to draw inference that



there is discrimination among the officials insofar as transfer and retention of such of those Statistical Investigator Group-B.

8. In the light of these facts and circumstances, petitioner has not made a case. Accordingly, the present writ petition stands dismissed while affirming the order dated 02.04.2024 passed by Central Administrative Tribunal, Patna Bench, Patna in O.A. No. OA/050/00483/2023.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

