

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13664 of 2024

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Nawin Kumar Son of Kishori Prasad Sahu Resident of 431/C, Durga Ashram Gali, South of Rishi Lodge, Prem Bhawan Gali, Sheikhpura, BV College, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Department of Health Government of Bihar New Secretariat Patna.
2. Additional Chief Secretary Department of Health Government of Bihar New Secretariat Patna.
3. The Officer on Special Duty, Department of Health Government of Bihar.
4. The Civil Surgeon, Araria.
5. The Distirect Magistrate, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Advocate General

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
following reliefs:-

*(i) That this petition is being
filed with the prayer for issue of
appropriate writ in the nature of
mandamus causing the office memo
number 664(15) dated 30.08.2024
issued under the signature of
respondent officer on Special Duty
whereby and where under the
petitioner has been transferred from*



Drug Inspector Araria to the headquarter directorate drug control administration Bihar Patna as drug inspector alleged to be an administrative move.

(ii) For issuance of a writ in the nature of mandamus to pay the salary of the petitioner from Nov, 2022 till date.

(iii) During the pendency of the writ petition, stay the operation of the memo contained in memo no. 664(15)dated 30.08. 2024.

3. Learned counsel for the petitioner submits that the transfer of the petitioner has been made as a punishment within three months. Counsel submits that the petitioner is subject to bias of the department and only due to this reason, just within three months the petitioner has been transferred from one place to another. Counsel further submits that the career of the petitioner is excellent and very good, he was very punctual and obedient even then this transfer in the form of punishment has been imposed upon him. Counsel also submits that he has very recently settled there with family and it shall create extreme difficulty to resettle at different place just within 2-3 month.

4. Learned counsel for the State, on the other hand, submits that case of the petitioner is not a normal case, the



petitioner was subject to recovery of cash amount from his possession due to which a vigilance case has been registered against him which is still pending. Counsel submits that it is true that in the departmental proceeding, he has been exonerated and only thereafter, he has been directed to be posted at headquarter. Counsel further submits that in the transfer order, it has been categorically mentioned that this transfer order is absolutely due to the administrative reasons, therefore, no interference may be made.

5. In the light of the submissions made by the parties, this Court is not inclined to interfere in the transfer order but it is hereby directed to the respondent that the petitioner shall be granted sufficient time, not less than 15 days, to bring his family and other articles belong to him at his new place of transfer, in result of transfer. It is further directed that petitioner's salary after joining be paid.

6. With the aforesaid observation and direction, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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