

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18665 of 2023

Suresh Kumar Son of Ghureshwar Paswan, Resident of H. No. D-104, Newton Garden Apartment, Murlichak, Jagdev Path, P.O.- B.V.C. Campus, P.S.- Hawaii Adda, District- Patna presently posted as Technical Advisor, Minor Irrigation Circle, Munger, Department of Minor Water Resources, Govt. of Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Minor Water Resources, Government of Bihar, Patna.
2. The Joint Secretary, Department of Minor Water Resources, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Minor Water Resources, Government of Bihar, Patna.
4. The Engineer-in-Chief, Department of Minor Water Resources, Government of Bihar, Patna.
5. The Chief Engineer, Department of Minor Water Resources, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Adv.
For the Respondent/s	:	Mr.Addl. Advocate General-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-02-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.i) A Certiorari, setting aside the Notification/office order contained in Memo No.6748 dated 10.11.2023 (Annexure-3) so far as this petitioner is concerned, issued from the level of Respondent Department, whereby and whereunder the Respondent Department has transferred this petitioner from Munger to Gopalganj District on very same equivalent post, in a very short span of less than six months from the date of his present posting place at Munger, on 30.06.2023, despite the fact that petitioner is going to



retire on 31.10.2024 i.e. within one year, which is very much contrary to and in the teeth of transfer policy of Government of Bihar.
ii) A Mandamus, commanding and directing the Respondents concerned to allow the petitioner to function at his present place of posting at Munger alongwith all its monetary benefits as the petitioner is going to retire within a year and he has been transferred to another place on same very equal post of Executive Engineer within a very short span of 6 months since his transfer to Munger from his posting as Executive Engineer, Minor Irrigation, Bhagalpur vide Memo No.4009 dated 30.06.2023, which is very much illegal, unjust, malafide and against the transfer rules and policy of Government of Bihar.”

2. At the outset, the learned counsel for the petitioner submits that despite the petitioner being due for superannuation on 31.10.2024, he has been transferred vide order dated 10.11.2023, from Munger to Gopalganj district on the post of Executive Engineer and in fact prior to that also he was transferred vide order dated 30.06.2023, from Bhagalpur to Munger, hence it is prayed that the respondent-authorities be directed to take a sympathetic view and let the petitioner retire from Munger.

3. In view of the genuine grievance of the petitioner, I deem it fit and proper to grant liberty to the petitioner to



approach the Additional Chief Secretary, Department of Minor Water Resources, Government of Bihar, Patna, by filing appropriate representation within a period of one week from today, which shall be considered by the learned Additional Chief Secretary, Department of Minor Water Resources, Government of Bihar, Patna, sympathetically and a decision shall be taken within a period of one week thereafter, taking into account the provisions contained in the circular issued by the Principal Secretary to the Government, Cabinet Secretariat Department, Government of Bihar, Patna, dated 03.06.2009.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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