

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5145 of 2024

Sanjay Kumar Son of Yugal Kishor Mandal, resident of U.N. Bagchi Lane,
Near Lajpat Park, Mashakchak, Jagdishpuri, P.O.-Bhagalpur, P.S.-Jagdishpuri,
District-Bhagalpur, Bihar-812001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise Commissioner cum Inspector General of Registration, Department of Prohibition, Excise and Registration, New Secretariat, Patna.
2. The Secretary, Excise Commissioner cum Inspector General of Registration, Department of Prohibition, Excise and Registration, New Secretariat, Patna.
3. The Joint Secretary, Department of Prohibition, Excise and Registration, New Secretariat, Patna.
4. The Deputy Secretary, Department of Prohibition, Excise and Registration, New Secretariat, Patna.
5. The Election Commission of India through the Chief Election Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi-110001.
6. The Chief Electoral Officer, Office of the Chief Electoral Officer, Bihar, 07 Sardar Patel Marg, Patna.
7. Surendra Prasad son of Late Gorakh Nath, resident of Village-Ekauni, P.S. Kochas, District-Rohtas, at present posted as Deputy Commissioner, (Distillery and Warehouse) Head Quarter Patna Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms.Archana Sinha, Sr. Adv. Mr.Ayush Kumar, Adv. Mr.Kanishka Shankar, Adv.
For the State	:	Ms.Binita Singh, SC-28
For the respondent no.7	:	Mr.Chittranjan Sinha, Sr.Adv. Mr.A.D.Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

7 19-02-2025 Heard learned counsel for the petitioner as well as

learned counsel for the Respondent – State.

2. This petition has been preferred by the petitioner
seeking following reliefs:

1) For issuance of order(s), directions(s),



writ(s) particularly in the nature of the writ of Certiorari for quashing of the impugned Transfer Order vide Memo No. V/30-2-01/2020-1585 dated 16/03/2024 issued by the Deputy Secretary, Department of Prohibition, Excise, and Registration whereby and whereunder the Petitioner was transferred from the post of Deputy Commissioner (D&W), Prohibition and Excise, Patna to the post of Deputy Commissioner (E.I.B.), Prohibition and Excise, Patna along with the additional charge of Deputy Commissioner, Munger Division, Munger without the said Transfer Order being served upon the Petitioner.

ii) The Petitioner prays that after setting aside the impugned Transfer Order dated 16/03/2024, the Respondents First Set be directed to allow the Petitioner to continue on the post of Deputy Commissioner (D&W), Prohibition and Excise, Patna,

iii) The Petitioner further prays that after setting aside the impugned Transfer Order dated 16/03/2024, the Respondents First Set be directed to not transfer the Petitioner till at least till the time the Model Code of Conduct is in force.



iv) The Petitioner further prays that impugned Transfer Order dated 16/03/2024 be stayed till the Model Code of Conduct is in force.

v) For any other relief or reliefs for which the Petitioner may be deemed entitled to in the facts and circumstances of the case.

3. The transfer of the petitioner is being challenged by petitioner on two grounds:- First, that the transfer of the petitioner is ordered during the period of model code of conduct without obtaining any permission from the Election Commission. Second, the transfer of the petitioner is in violation of the guidelines issued by the Government (Annexure '8') dated 3rd June, 2009.

4. During the course of argument, it is submitted by learned counsel for the petitioner that order of transfer has already been complied with by the petitioner and at present he is working there.

5. Considering the fact that both the petitioner as well as private respondent no. 7 have complied with the transfer order and they are working at their transferred place, it would be appropriate to dispose of the petition giving liberty to the petitioner to give representation before the competent authority/ respondent raising all the grounds which he raised in this



petition and it will be done within three weeks and it is further directed that on submission of the said representation by the petitioner, the concerned respondent/ competent authority will decide the same and pass a reasoned order in accordance with relevant rules and laws and further taking into consideration the guidelines issued by the government (Annexure ‘8’) dated 3rd June, 2009 as early as possible probably within 60 days from the date of submission of the said representation.

6. With the aforesaid observation, this petition is disposed of.

(Arvind Singh Chandel , J)

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