

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8783 of 2025

1. Amitabh Bachchan, son of Ram Ashish Singh, resident of village- Ghardhi, P.S. Chausa, District Buxar, presently working as Constable No. C-1256, Nalanda Zila Bal, District - Nalanda at Biharsharif.
2. Murlidhar Singh, son of Dhruv Kumar Singh, resident of village- Osai, P.S. Bihiya, District -Bhojpur at Ara, presently working as Constable No. C-400, Muzaffarpur Zila Bal, District - Muzaffarpur.
3. Pankaj Kumar Ojha, son of Prem Sagar Ojha, resident of village and P.O. Nimej, P.S. Brahmpur, District - Buxar, presently working as Constable No. C-1230, Muzaffarpur Zila Bal, District - Muzaffarpur.
4. Md. Afzal, son of Md. Rojid, Resident of village Kayam Nagar, Ward No.5, P.O. Kayamnagar, District Bhojpur at Ara, presently working as Constable No. C-24, Saran Zila Bal, District - Saran at Chapra.
5. Dhananjay Kumar, son of Surendra Singh, resident of village- Asani, P.S. Udwant Nagar, District Bhojpur at Ara, presently working as Constable No. C-982, Darbhanga Zila Bal, District - Darbhanga.
6. Ramayan Yadav, son of Yadav Lal Prasad Yadav, resident of village and P.O. Bhopatpur, District East Champaran at Motihari, presently working as Constable No. C-673 Darbhanga Zila Bal, District Darbhanga.
7. Sujit Kumar Bharti, son of Rajendra Kumar Mandal, resident of village- Chakrami, P.S. Naryanpur, District-Bhagalpur, presently working as Constable No. C-749, Darbhanga Zila Bal District-Darbhangha.
8. Rajesh Kumar, son of Ravindra Chandra Ray, resident of village and P.O. Hansepur, District Nalanda at Biharsharif, presently working as Constable No.C-104, Darbhanga Zila Bal, District - Darbhanga,
9. Kamlesh Choudhary, son of Suresh Choudhary, resident of village- Baradih Tola, P.O. Mahuari, District Rohtas at Sasaram, presently working as Constable No. C-864, Samastipur Zila Bal, District Samastipur.
10. Rajesh Kumar Pal, son of Ramashray Pal, resident of village and P.O. Harivashpur, District Rohtas at Sasaram, presently working as Constable No.C-1323, Darbhanga Zila Bal, District - Darbhanga.
11. Raj Raushan Kumar Yadav, son of Surya Bansh Singh, resident of village- Urda, P.S. Chenari, District Rohtas at Sasaram, presently working as Constable No.C-484, Darbhanga Zila Bal, District - Darbhanga.
12. Anju Kumari, wife of Amresh Kumar, resident of village and P.O. Lavapur Harnarayan, District - Vaishali at Hajipur, presently working as Constable No.C-89, Darbhanga Zila Bal, District - Darbhanga.
13. Rima Kumari, wife of Anand Kumar Yadav, resident of village- Shahpur, P.O. Sahodih, District - Ballia (U.P.), presently working as Constable No. C-226, Darbhanga Zila Bal, District - Darbhanga.
14. Rekha Kumari, daughter of Prabhu Pandit, resident of village- Pratappur, P.O. Panditpur, District - Lakhisarai, presently working as Constable No.C-535 , Darbhanga Zila Bal, District - Darbhanga.
15. Tishu Kumari, daughter of Suresh Kumar, resident of village- Bagh



- Chappar, P.S. Shahkund District Bhagalpur, presently working as Constable No. C-411, Araria Zila Bal, District - Araria.
16. Beauty Kumari, daughter of Ram Bachan Sharma, resident of village- Jamuaon, P.S. Piro, District - Bhojpur at Ara, presently working as Constable No. C-437, Araria Zila Bal, District - Araria.
 17. Santosh Kumar Tiwari, son of Umakant Tiwari, resident of village and P.O. Dadar, District -Kaimur at Bhabhua, presently working as Constable No.C-390, Araria Zila Bal, District - Araria.
 18. Sonu Sharma, son of Amar Sharma, resident of village- Bakra Diya, P.S. Krishna Brahm, District Buxar, presently working as Constable No. C-71 Araria Zila Bal, District Araria.
 19. Shatrughan Kumar, son of Upendra Prasad, resident of village- Kundi, P.O. Darwara, District Nalanda at Biharsharif, presently working as Constable No. C-303, Araria Zila Bal, District - Araria.
 20. Binita Kumari, daughter of Jagdish Prasad Bari, resident of village- Ghosi, P.S. Hilsa, District Nalanda at Biharsharif, presently working as Constable No. C-98, Araria Zila Bal, District - Araria.
 21. Abhishek Kumar, son of Nawal Kishor Paswan, resident of village- Khonupur, P.S. Dipnagar, District Nalanda at Biharsharif, presently working as Constable No. C-173, Araria Zila Bal, District - Araria.
 22. Jay Prakash Ram, son of Abhimanya Ram, resident of village and P.S. Badaki Nainijor, District - Buxar, presently working as Constable No. C-15, Araria Zila Bal, District - Araria.
 23. Gautam Kumar, son of Shivjag Singh, resident of village- Sikariya, P.S. Bikramganj, District -Rohtas at Sasaram presently working as Constable No. C-257, Araria Zila Bal, District - Araria.
 24. Rajnath Ram, son of Nand Kishor Ram, resident of village and P.O. Diaman, District - Buxar presently working as Constable No. DPC -578 Muzaffarpur Zila Bal, District - Muzaffarpur.
 25. Vinay Kumar Ray, son of Prayag Ray, resident of village and P.O. Munjiya, District - Kaimur at Bhabhua, presently working as Constable No.C-900 Bettiah Zila Bal, District - West Champaran at Bettiah.
 26. Roma Kumari, wife of Jaynendra Kumar, resident of village- Mujnu, Ward No.8, P.O. Sisirta, District - Rohtas at Sasaram, presently working as Constable No.C-911 Bettiah Zila Bal, District West Champaran at Bettiah.
 27. Bablu Kumar, son of Lal Babu Mahto, resident of village, P.O. and P.S. Koilwar, District -Bhojpur at Ara, presently working as Constable No.C-883 Bettiah Zila Bal, District - West Champaran at Bettiah.
 28. Satyendra Kumar, son of Ram Kishor Rai, resident of village- Sengar Tola, P.S. Rivilganj, District Saran at Chapra, presently working as Constable No.C-543 Bettiah Zila Bal, District West Champaran at Bettiah.
 29. Sarita Kumari, daughter of Umesh Prasad, resident of village- Bhatta, Ward No.4, District Nawada, presently working as Constable No.C-899 Bettiah Zila Bal, District - West Champaran at Bettiah.
 30. Sanjay Sahani, son of Nagendra Sahani, resident of village- Asogi, P.S. Baiganiya, District -Sitamarhi, presently working as Constable No.C-773



Bettiah Zila Bal, District - West Champaran at Bettiah.

31. Sunil Kumar, son of Gupteshwar Ram, resident of village, P.O. and P.S. Chenari, District Rohtas at Sasaram, presently working as Constable No.C-714 Bettiah Zila Bal, District - West Champaran at Bettiah.
32. Shahnawaj Alam, son of Jamaludin, resident of village and P.O. Piyanaya, District Bhojpur at Ara, presently working as Constable No.C-890 Bettiah Zila Bal, District - West Champaran at Bettiah.
33. Bhupendra Kumar, son of Ajay Singh, resident of village- Daulatpur, P.S. Atari, District Gaya, presently working as Constable No.C-877 Bettiah Zila Bal, District - West Champaran at Bettiah.
34. Md. Ajajul Hak, son of Md. Mazahrul Hak, resident of village, P.O. and P.S. Madanpur, District - Aurangabad, presently working as Constable No.C-03 Bettiah Zila Bal, District - West Champaran at Bettiah.
35. Arun Kumar, son of Rajendra Prasad Sah, resident of village Bajitpur, P.O. Sanjohali, District Rohtas at Sasaram, presently working as Constable No.C-792 Bettiah Zila Bal, District West Champaran at Bettiah.
36. Subodh Kumar, son of Ramprabhav Singh, resident of village- Machhuaha, Ward No.3, District Sitamarhi, presently working as Constable No.C-326 Bettiah Zila Bal, District West Champaran at Bettiah.
37. Md. Imteyaz Alam, son of Murtuza Ahmad, resident of Ward No.23, Bikramganj, P.O. and P.S. Bikramganj, District - Rohtas at Sasaram, presently working as Constable No.C-965 Bettiah Zila Bal, District West Champaran at Bettiah.
38. Ajit Kumar, son of Hari Narayan Prasad, resident of village- Yamunapur, P.S. Auraia, District -East Champaran at Motihari, presently working as Constable No.C-746 Bettiah Zila Bal, District West Champaran at Bettiah.
39. Santosh Das, son of Shambhu Das, resident of village- Dumariya, P.S. Kishanganj, District -Kishanganj, presently working as Constable No.C-156 Banka Zila Bal, District - Banka.
40. Mithilesh Kumar, son of Suresh Kumar, resident of village and P.O. Nadaon, District Buxar, presently working as Constable No.C-295 Banka Zila Bal, District Banka.
41. Santosh Kumar, son of Yugeshwar Singh, resident of village- Ahiyapur, P.S. Haspura, District - Aurangabad, presently working as Constable No.C-680 Banka Zila Bal, District - Banka.
42. Akash Kumar Singh, son of Shashi Bhushan Singh, resident of Road No.4, East Indira Nagar, Kankarbag, P.S. Kandarbag, District Patna, presently working as Constable No.C-672 Banka Zila Bal, District -Banka.
43. Birendra Ray, son of Sundar Ray, resident of village and P.O. Govindpur, District - Arwal, presently working as Constable No.C-594 Banka Zila Bal, District Banka.
44. Rajesh Kumar, son of Sitaram Singh, resident of village- Rampur, P.S. Suryagadha, District -Lakhisarai, presently working as Constable No.C-585 Banka Zila Bal, District - Banka.
45. Sanjit Kumar, son of Ragho Mahto, resident of village- Gopalvad, P.S. Saremra, District Nalanda at Biharsharif, presently working as Constable



No.C-84 Banka Zila Bal, District - Banka.

46. Ajay Kumar, son of Shankar Das, Resident of village and P.O. Ganeshpur, District -Purnea, presently working as Constable No.C-416 Banka Zila Bal, District Banka.
47. Sanjay Kumar, son of Lalan Ray, resident of village- Ratanpura, P.S. Bhagwan Bazar, District -Saran at Chapra, presently working as Constable No.C-504 Banka Zila Bal, District - Banka.
48. Vinay Kumar Pandey, son of Shambhu Nath Pandey, resident of village- Utari Dahiyawa Tola, Chapra, P.S. Chapra, District Saran at Chapra, presently working as Constable No.C-185 Banka Zila Bal, District Banka.
49. Dharmendra Kumar, son of Lalan Prasad, resident of House No.A-75, Ibrahimpur, District West Delhi, presently working as Constable No.C-171 Banka Zila Bal, District - Banka.
50. Anil Kumar Sah, son of Kedar Nath Sah, resident of village and P.O. Anwal, District - Saran at Chapra, presently working as Constable No.C-662 Banka Zila Bal, District - Banka.
51. Shekh Parwej Alam, son of Shekh Makbul Alam, resident of village- Dhoban, Purab Patti, District Kaimur at Bhabhua, presently working as Constable No.C-560 Banka Zila Bal, District - Banka.
52. Vishal Paswan, son of Ramashish Paswan, resident of village- Bhagwan Bigha, P.S. Daudnagar, District Aurangabad, presently working as Constable No.C-618 Bhagalpur Zila Bal, District - Bhagalpur.
53. Ravindra Kumar Bharti, son of Ramashish Ram, resident of village and P.O. Jogia, Ward No.7 District West Champaran at Bettiah, presently working as Constable No.C-596 Bhagalpur Zila Bal, District - Bhagalpur.
54. Ravindra Kumar, son of Ramswarup Paswan, resident of village and P.O. Jalpura, Ward No.7 District Aurangabad, presently working as Constable No.C-1453 Bhagalpur Zila Bal, District - Bhagalpur.
55. Sonu Kumar, son of Mahendra Prasad Singh, resident of village and P.O. Pali, District Kaimur at Bhabhua, presently working as Constable No.C-1411 Bhagalpur Zila Bal, District - Bhagalpur.
56. Deepak Kumar Ram, son of Ram Pravesh Ram, resident of Ward No.18, Forbisganj, P.O. and P.S. Forbisganj, District Araria, presently working as Constable No.C-605 Bhagalpur Zila Bal, District - Bhagalpur.
57. Shashi Kumar, son of Bigan Ram, Resident of village- Khajura, P.S. Belav, District - Kaimur at Bhabhua presently working as Constable No.C-1466 Bhagalpur Zila Bal, District - Bhagalpur.
58. Rajeev Ranjan Paswan, son of Awdhesh Ram, resident of village- Araura, P.O. Dularpur, District Bhojpur at Ara, presently working as Constable No.C-245 Bhagalpur Zila Bal, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.



3. The Additional Director General of Police, Bihar, Patna.
4. The Senior Superintendent of Police, Muzaffarpur, District - Muzaffarpur.
5. The Senior Superintendent of Police, Darbhanga, District - Darbhanga.
6. The Senior Superintendent of Police, Bhagalpur, District - Bhagalpur.
7. The Superintendent of Police, Saran at Chapra, District - Saran at Chapra.
8. The Superintendent of Police, Samastipur, District - Samastipur.
9. The Superintendent of Police, Araria, District Araria.
10. The Superintendent of Police, West Champaran at Bettiah, District West Champaran at Bettiah.
11. The Superintendent of Police, Banka, District - Banka.
12. The Superintendent of Police, Nalanda at Biharsharif, District-Nalanda at Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam, Advocate Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, Advocate General Mr. Manish Kumar, GP- 4

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 11-08-2025

Heard Mr. S. B. K. Mangalam, learned Advocate for the petitioners and Mr. P. K. Shahi, learned Advocate General with Mr. Manish Kumar, learned G.P.-4.

2. A group of constables aggrieved with the order dated 05.05.2025, as contained in Memo No. 110, issued under the signature of respondent no.3 (Additional Director General of Police, Bihar) whereby 19858 constables of District Police Force were ordered to be transferred from one District to another on random basis, have invoked the extraordinary prerogative writ jurisdiction of this Court seeking quashing of



the same to the extent order relates to them.

3. The impugned order of transfer is put to challenge mainly on three grounds. Mr. Mangalam, learned Advocate representing the petitioners has primarily submitted that since the transfer police, 2020 issued under the Police Order No. 315/2020 was repealed by the respondent no.2 vide order as contained in Memo No. 35, dated 13.06.2022 and thereafter, no policy regarding transfer of Constables has been framed/published by the competent authority, the massive transfer about 20,000 constables from one district to another is wholly unjustified, unsustainable, as also in complete absence of any Policy/Rule regarding transfer of constables.

Secondly, the Bihar Police Act and/or Bihar Police (Amendment) Act, 2022 does not contemplate random transfer of constables, which are not at all permissible under the law, because there are chances of pick and chose or favouritism. Lastly, once the Police Order No. 322 of 2022 was sent to all Inspector General of Police / Deputy Inspector General of Police vide letter no. 43 dated 21.08.2024 issued under the signature of respondent no.3 directing all the Superintendent of Police to convene a police meeting in their respective districts for inviting the suggestions of the police personnel attending the



police meeting could not be effected and no final policy has been framed by the police headquarter regarding transfer of police personnel, including the police, the impugned order of transfer, qua the petitioners cannot be sustained in law.

4. The grounds of challenge, which have been noted hereinabove, are said to have been formulated in the factual premise noted hereunder. It is urged before this Court that facing difficulty, on account of frequent transfer resulting into various defects, Police Order No. 315 dated 18.05.2020 in relation to Welfare Scheme/Policy regarding transfer of constables in the State was brought by the Bihar Police Headquarter. However, it could not get the approval of the State Government and consequently the Police Order No. 315 dated 18.05.2020 was withdrawn by the Police Headquarter and Old Policy on transfer of constables remained in force. In the meanwhile, The Bihar Police (Amendment) Act, 2022 came into force and Sub-Section 1 of Section 10 of the Amended Act, 2022, which stipulates that the Police Personnel from the rank of Inspector to Constable shall remain posted in a District for five years, in a range for eight years and in different Units for eight years only. In the light of the amending provision, the Police Headquarter issued Police Order No. 322 of 2022 by introducing something, which



was not under the Amending Act.

5. There was a common grievance of the constables, inter alia, for implementation of policy decision contained in Police Order No. 315 dated 18.05.2020, besides extending the period of District and Range posting and the provisions for optional transfer be introduced. Notwithstanding, any decision taken with respect to transfer of the constables and/or any Police order has issued in public domain after consideration of objections being raised by the large number of constables, the impugned order of transfer came to be issued effecting randomly transfer of more than 19,000 constables from one District to another, hence the impugned order of transfer is wholly unsustainable in law, as well as on fact, is the contention of the learned Advocate for the petitioners.

6. Mr. P. K. Shahi, learned Advocate General, Government of Bihar dispelling the aforementioned contention has submitted that the challenge led by the petitioners is wholly misconceived and not tenable. It is urged before this Court that the Bihar Police Headquarters (Establishment and Law Division) Order cum Memo No. 35/L-2 dated 13.06.2022 omitted the Police Order No. 315/2020 in view of non-receipt of consent of the State Government and it was clearly ordered that



“after its deletion, the previous arrangement will remain” i.e. the rule given in the Bihar Police Act, 2007 (Amended in 2022) shall prevail. Referring to the Amended provision, Sub-Section 1 of Section 10 of the Amendment Act, 2022, it is contended that in the light of the said provision and the direction contained in Memo No. 28/L-2 dated 19.04.2022, the procedure and the policy regarding the transfer of officers/personnel of police has been determined by Police Order No. 322/2022-cum-Memo No. 69/L-2 dated 25.08.2022. Clause 4(a) thereof specifically provides that the tenure of police officers/ personnel from Inspector to Constable level will be done by the committee constituted as per the provisions of the Bihar Police (Amendment) Act, 2022. The said Amendment Act has determined the tenure of five years in a district, eight years in a Police range.

7. Clause 4(b), further contemplates the manner of calculation of the period served in an area specifying that if an employee has worked in a Range/Unit for two or more tenures, then the period will be calculated by combining all the tenures. Similarly, if any employee has worked in a range/unit in different categories, as constable, assistant sub-inspector, sub-inspector of Police, Police Inspector etc., then the completion of



tenure will be calculated by combining the period spent in all the categories. Posting in the Range office will also be counted under the respective period. Similarly, the district period will be calculated. In the light of the provisions as noted hereinabove, a Committee was duly constituted under the chairmanship of Additional Director General of Police (Headquarters) for the transfer of regular term constable to Police Inspector, who had completed their tenure of posting.

8. It has further been submitted with all fairness that before the transfer notification came to be issued, a decision was taken to randomize transfer with the consent of all Range Police Officers, such as Inspector General/Deputy Inspector General/Superintendent of Police. Unanimously consent was given by the committee members for random transfer to ensure transparency and negate any nepotism.

9. Learned Advocate General, Government of Bihar has further informed that all these transfers have been hastened due to the imminent Bihar Legislative election to be held immediately this year.

10. While summarizing his submission, Mr. P. K. Shahi, learned Advocate General has yielded that law is well settled, with regard to transfer of the Government employees,



wherein the Court consistently ruled that order cannot be interfered with by the Court unless it is vitiated by the malafide or is made in violation of the statutory provisions. It is the exigencies of the service and the decision of transfer is to be taken by the authorities concerned keeping in view the nature of services, its effective utilization and proper administration of the Government. Highlighting the principles, reliance has also been placed upon a decision of the Hon'ble Supreme Court in the case of **Union of India and Ors. Vs. S.L. Abbas**, reported in, **AIR 1993 SC 2444** wherein the Court made it clear that while ordering the transfer of Government employee, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject and the said guideline however do not confer upon the government employee a legally enforceable right.

11. Having considered the submissions advanced by the learned Advocate for the respective parties and after perusal of the materials available on record, before parting with the case, it would be pertinent to observe that the Police can be defined as an organization of the Government to enforce law/laws, maintain public peace, order and security, control traffic, provide security to the citizens and protect individual's



rights, besides performing may other emergent duties as per the Act and the Rules, legislated under the Constitution of India. The police plays the foremost role in maintaining peace and tranquility, and are recognised for their achievements in various fields due to their dedication, determination and disciplined maintained by them.

12. Transfer of an employee is not only an incident inherent in the terms of appointment, but also implicit as an essential condition of service in the absence of any specific indication to the contrary. No Government can function if the Government servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. A Government servant has no vested right to remain posted at a place of his choice nor can he insist for the same [Vide **State of U.P. Vs. Gobardhan Lal, (2004) 11 SCC 402**].

13. In the case of **Gujarat Electricity Board and Anr. Vs. Atmaram Sungomal Poshani**, reported in, **(1989) 2 SCC 602**, the Hon'ble Supreme Court has observed as follows:

“4. Transfer of a government servant appointed to a particular cadre of transferable posts from one place to other is an incident of service. No government servant or employee of public



undertaking has legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in the matter. Transfer from one place to other is necessary in public interest and efficiency in the public administration. Whenever, a public servant is transferred he must comply with the order but if there be any genuine difficulty in proceeding on transfer it is open to him to make representation to the competent authority for stay, modification, or cancellation of the transfer order. If the order of transfer is not stayed, modified or cancelled the concerned public servant must carry out the order of transfer. If he fails to proceed on transfer in compliance to the transfer order, he would expose himself to disciplinary action under the relevant rules, as has happened in the instant case. The respondent lost his service as he refused to comply with the order of his transfer from one place to the other.”

14. In Union of India and Ors. Vs. S.L. Abbas

(supra), the Hon’ble Supreme Court has further ruled that the guidelines in respect of transfer does not confer upon the government employee a legally enforceable right. It would be pertinent to encapsulate the relevant part of the decision, which reads as under:

“7. Who should be transferred where,
is a matter for the appropriate authority to decide.



Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the government employee a legally enforceable right.”

15. The Hon’ble Supreme Court, time without number has reinforced that the scope of judicial review in matters of transfer of a Government servant to an equivalent post without any adverse consequence on the service or career prospects is said to be very limited being confined only to the grounds of malafides and violation of any specific provision or guideline regulating such transfers amounting to arbitrariness. The series of judgments rendered by the Hon’ble Supreme Court time to time crystalized and underscored that transfer is a condition of service and a Government servant has no vested right to remain posted at his/ her choice. The transfer order does not violate legal right of a person holding transferable post, if he is



transferred from one place to another in public interest. The order of transfer is an administrative order. Thus, the scope of judicial review in the matter of transfer is very limited. It has been repeatedly cautioned that the Courts should not interfere with transfer order which is made in the public interest and for administrative reasons, unless an order of transfer is shown to be outcome of malafide exercise or stated to be in violation of statutory provision prohibiting any such transfer.

16. It would be worth relevant to observe here that a Policy matter/Policy decision is taken by the Government after considering all the points from different angles, while framing the policy the Government also takes into consideration the administrative efficiency and other incidental matters. The rule of the law casts a duty on the administrative functionaries to act within the framework of the law, be it law made by the legislature, subordinate legislation or executive orders. The Government employees are also obliged to follow the circulars/memos and instructions issued by the Government.

17. Now coming to the case in hand, this Court, prima facie, find that apart from the provision for transfer already laid down in Rule 775 to 778 of Chapter 24 of the Bihar Police Manual, 1978 prescribing the requisite parameters of transfer



policy. The Government of Bihar has notified Bihar Police Act, 2007, which later on amended under Bihar Police (Amendment) Act, 2022 wherein Sub-Section 1 of Section 10 of the earlier Police Act, 2007 was amended as follows:

“(10) Transfers and postings to subordinate posts.

The posting of police personnel from the rank of Inspector to Constable to a particular post shall be made by the District Superintendent of Police, Head of the Unit and the Director General of Police within their jurisdiction. The tenure of police personnel from Inspector to Constable level will be 05 years in one district, 08 years in one Range and 08 years in units in aggregate. Their transfer from one district to another within the Range will be done by a committee, whose chairman will be the Range Deputy Inspector General of Police/Inspector General of Police and the Superintendent of Police of the respective districts will be the member. For the purpose of inter-Range and inter-transfer between districts and units of police personnel from Inspector to Constable Level, the Director General of Police will be able to constitute committees after the approval of the State Government.”



18. In the light of the provision prescribed under Sub-Section 1 of Section 10 of the Amendment Act, 2022 as also the direction contained in Memo No. 28/L-2 dated 19.04.2022, a procedure and policy regarding transfer of Officers/personnel of Bihar Police has been determined through Police Order No. 322/2022 dated 25.08.2022. Clause 4(a) of the aforementioned letter, which has been taken note of earlier clearly prescribes that there shall be a committee, who shall regulate and take decision with regard to the tenure of police officers/ personnel from Inspector to Constable level; based upon which transfer of regular term constable to Police Inspector shall be effected.

19. The facts have been brought on record that in the light of the Amended Act and the Police Order referred hereinabove, a Committee was constituted under the Chairmanship of Additional Director General of Police (Headquarters) for the transfer of regular term constable to Police Inspector, who had completed their tenure of posting and consequently in the meeting held on 28.04.2025, the constables who have completed their tenure, the transfer order has been issued under Memo No. 190/P-3 dated 05.05.2025. It would be pertinent to note here that this Court has also been



apprised that the aforesaid decision has been taken in tune with the guidelines of the Election Commission of India in the context of imminent schedule of State Legislature Election.

20. Before summing up, it would be relevant to notice and further clarify that the petitioners before this Court are the members of the disciplined force and are expected to obey the order of their transfer; however, if any one of them have some personal problem or the transfer order(s) have been passed in his/her particular case, against the transfer policy, it is open to him/her to move a representation to the appropriate authority for redressal of his/her grievance. In case, it is found that he/she has some personal problem, the authority ought to consider his/her grievance and pass appropriate order and shall make an endeavour to address the same.

21. In view of the discussions made hereinabove, as also in the realm of settled position of law, the grounds of challenge as raised by the learned Advocate for the petitioners does not find any merit consideration, as the Special Order of Transfer has been passed in the tune with the statutory prescriptions and the Rules of the Police Manual. The petitioners failed to make out any case of interference in the transfer order.



22. Accordingly, the writ petition is hereby
dismissed. The parties shall bear their own costs.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.08.2025
Transmission Date	NA

