

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11009 of 2025

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Nesar Ahmad, Son of Md Daud, Resident of -Karamganj Road, Near Mosque, Kherajpur, District- Darbhanga, Bihar, Presently Working as Legal cum Probation Officer, District Child Protection Unit, Darbhanga under the Mission Vatsalya Scheme (Previously ICPS

... .. Petitioner/s

Versus

1. The State of Bihar through its the Chief Secretary, Government of Bihar, Patna-800015.
2. The Additional Chief Secretary, Department of Social Welfare, Government of Bihar, Patna- 800015.
3. The Director, Social Welfare Cum State Child Protection Committee, Bihar, Patna-800015.
4. The Assistant Director, District Child Protection Unit, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shashi Sharma, Advocate
For the Respondent/s : Mr. Anirban Kundu, SC-24

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-07-2025

Heard the parties.

2. The petitioner, who has been presently working as Legal-cum-Probation Officer, District Child Protection Unit, Darbhanga under the Mission Vatsalya Scheme, is aggrieved with the order as contained in 02/2022-636 dated 24.06.2025, whereby he has been transferred from District Child Protection Unit, Darbhanga to Madhepura district in absence of any such stipulation in the employment letter.

3. Learned Advocate for the petitioner while assailing the order of transfer submitted that admittedly the petitioner was



appointed on contractual basis and there was no terms and conditions in relation to transfer of such an employee from one district to another; hence, his subjected letter of transfer is not only inconsistent with the terms of the scheme applicable to the contractual employees under Mission Vatsalya, but also causes severe personal and financial hardship. It is further contended that in absence of any provision for transfer in the agreement entered into with the petitioner and the State authorities, the respondent authorities have acted beyond their jurisdiction; moreover, on several occasions, the High Court has held that *“Contractual staff appointed under scheme-based employment cannot be transferred inter-district unless expressly provided under the terms of the contract.”* To support the aforesaid contention, reliance has also been placed on a decision rendered by this Court in the case of **Amit Kumar and Others v. The State of Bihar and Others [C.W.J.C. No.8991 of 2022]**.

4. It is further urged that the petitioner is the only person, who has to take care of his septuagenarian parents and above all, one of his sons aged about ten years suffering from critical medical ailment and his continuous treatment has been going on at Sir Ganga Ram Hospital, Delhi. It has also been informed that after issuance of this order,



several persons have approached to the authorities concerned and in their favour, a Corrigendum letter has been issued and their transfer order has been amended; however, in the case of the petitioner, though a detailed representation has been filed on 27.06.2025 itself, but till date no such order has been passed, compelling the petitioner to approach this Court.

5. Mr. Anirban Kundu, learned Advocate for the State referring to the impugned order contended that *prima facie* from the order it is evident that all the contractual employees, who have been transferred to different place, shall be deemed to be relieved w.e.f. 05.07.2025 and they would get their honorarium from the transferred place, hence the transfer order has already been acted upon.

6. Having considered the submissions set forth by the learned Advocate for the petitioner and after going through the employment notice, one thing is admitted that the petitioner is a contractual employee and there is no such stipulation in his appointment letter, the copy of which has been handed over to this Court during the course of argument(s), which has been placed on record. All the more, for redressal of the grievance, the petitioner has filed a detailed representation before all the authorities concerned, but no decision has been taken till date;



although, during the interregnum period, some of the employees, who have approached before the concerned authorities, “Corrigendum letter” has been issued in their favour and their transfer order has been amended vide Memo No.665 dated 30.06.2025.

7. In view of the aforesaid facts, this Court deems it appropriate to dispose off the writ petition with a direction to the respondent no.3, the Director, Social Welfare-cum-State Child Protection Committee, Bihar, Patna to consider the representation of the petitioner dated 27.06.2025, in accordance with law, taking into consideration the discussions made hereinabove and the difficulties, which have been shown in his representation and pass a fresh order, preferably within a period of two weeks' from the date of receipt/production of a copy of this order.

8. In the meantime, there shall be *status quo* in favor of the petitioner.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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