

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15938 of 2025

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Nilesh Kumar Himanshu Son of Sri Ashok Kumar Sah, R/o-Village-Tikthi, P.O.-Parasiyan, P.S.-Jagdishpur, Dist.-Bhojpur, at present Sub Divisional Prosecution Officer, District Prosecution Office, Lakhisarai, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Home Department, Govt. of Bihar, Patna.
3. The Secretary, Home Department, Govt. of Bihar, Patna.
4. The Director of Prosecution, Directorate of Prosecution, Home Department, Government of Bihar, Patna.
5. The Principal Judge, Family Court, Araria

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms.Ankita Roy, Advocate
For the Respondent/s	:	Mr.Vivek Prasad, GP-7 Mr.Aman Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 25-09-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner is permitted to add the Principal Judge, Family Court, Araria as Respondent no. 5 in course of the day.

3. The present writ application has been filed seeking the following relief:-

For the issuance of writ of Mandamus or such other writ/order/direction commanding the Respondent Nos.2,3 and 4 for transfer of the petitioner from District Prosecution Officer, Lakhisarai to any Prosecution



Office in the State of Bihar, as per "Sankalp No. C.S. /m3-1016/80-3918 dated 29.10.1980 issued by Governing Council Secretariat and Coordination of Government of Bihar, published in 'Bihar Gazette Extra Ordinary Ank No. 1043" and for policy and procedure of Posting/ Transfer of Govt. Servant, as well as Notification no. 7/nya-206/97(Khand) Grih A dated 21/April 2003. Notification no. 7/nya-206/97(Khand) Grih Adated 21/April 2003.

4. Respondent no. 4 is directed to consider the representation of transfer of the petitioner dated 09.04.2025 (Annexure 'P/6') on the ground that the petitioner is kept at the present place of posting for the last 8 years and generally the petitioner should be transferred after three years. The representation must be decided by a speaking order within four weeks by respondent no. 4.

5. The Principal Judge, Family Court, Araria is directed to dispose of Matrimonial Case No. 476 of 2023 within six months. The Principal Judge will proceed ex-parte against the non-cooperating party.

6. This application stands disposed of.

(Sandeep Kumar, J)

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