

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1190 of 2024

In
Civil Writ Jurisdiction Case No.10549 of 2024

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1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Principal Secretary, Cabinet Secretariat, Govt. of Bihar, Patna.
 3. The Special Secretary, Cabinet Secretariat, Govt. of Bihar, Patna.
 4. The Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
 5. The Special Secretary Cum Director, Cabinet Secretariat, Urdu Director, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

1. Masood Alam Son of Late Muslim Ansari Resident of Mohalla- Quadirganj, P.S.- Belhauri, Patna.
2. Mohammad Ayub, Son of Mohammad Reyasat Resident of Ara Sadar, Anchal- Arrah, P.S.- Arrah, District- Bhojpur.
3. Syed Wasim Ashraf, Son of Syed Stafidun Ashraf Resident of Prince Market, Sabji Bagh, Arya Kumar Road, P.S.- Pirbahore, Patna.
4. Md. Ali, Son of Mahmud Alam Resident of Village- Patna, Post Office - Mahendru, P.S.- Sultanganj, District- Patna.
5. Abul Hayat Karim, Son of Dr. Abdul Karim Resident of D 5 Road No.1 Indrapuri Colony, Raja Bazar, P.S.- Rukanpura, District- Patna.
6. Jawed Yusuf, Son of Syed Md. Yusuf Resident of Janta Ghar, Patthar ki Masjid, Choudhary Tola, Ashok Raj Path, P.S.-Sultanganj, District- Patna.
7. Md. Ilyas, Son of Ali Asagar Resident of Raja Colony, Maulabagh, Phulwari, P.S.- Phulwari, District- Patna.
8. Md. Imteyaz Ali Ansari, Son of Abdul Majid Ansari Resident of Village- Mirachak, P.S.- Arrah, District- Bhojpur, Bihar.
9. Md. Nayeem Uddin Ansari, Son of Md. Mobin Ansari Resident of Village- Nasirchak, Lakhni Bigha, P.O.- Khagaul P.S.- Danapur District- Patna, Bihar.
10. Md. Afzal, Son of Late Immamuddin Resident of Alamganj, Purwais Masjid Gali, P.S.- Gulzarbagh, Patna, Bihar.
11. Md. Reyazuddin Ahmad, Son of Khalil Resident of Salempur, P.S.- Salempur Chapra, District- Saran.
12. Syed Raza Haider, Son of Syed Zahir Haider Resident of Naujar Katra, P.O.- Jhauganj, P.S.-Patna City, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s :

Mr. P.K.Shahi, Advocate General



Mr. Sushil Kumar, GP-22
Mr. Narendra Kumar Singh, AC to GP-22
For the Respondent nos.3,4,6,11 & 12 : Mr. Syed Alamdar Hussain, Advocate
Mr. Upendra Pratap Singh, Advocate
For the Respondent nos.1,2,8,9 & 10 : Mr. Shashi Bhushan Kumar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 22-04-2025

Re.- I.A. No. 2 of 2024

The learned Advocate for the appellants/
applicants presses I.A. No. 2 of 2024 for condoning the
delay of 18 days in preferring this appeal.

2. For the reasons stated in the application, the
delay of 18 days in preferring this appeal is condoned.

3. I.A. No. 2 of 2024 stands allowed.

4. Heard Mr. P.K. Shahi, the learned Advocate
General for the State, Mr. Alamdar Hussain and Mr.
Shashi Bhushan Kumar, the learned Advocates for the
respondents.

5. By the impugned judgment dated 04.10.2024
passed by a learned Single Judge of this Court in CWJC
No.10549 of 2024, the transfer orders of approximately



101 translators has been set aside on the ground that they would only be amenable to the Bihar Secretariat Service Rules which would prohibit their transfer beyond the Secretariat and they could be transferred only to different departments in the Secretariat.

6. It appears from the records that in order to promote Urdu as the second State language, translators and other officials were appointed under the Directorate. Later, in order to further facilitate the development of Urdu as a language in the State of Bihar and give it the status of second State language, the Directorate of Urdu Department was taken in as a Department of the Secretariat and the employees posted in the Directorate were made amenable to the Bihar Secretariat Service Rules. The Bihar Secretariat Service Rules would not be applicable to other employees of the Urdu Directorate, who would be posted in field offices as translators or with any other responsibility, who would be governed by the Bihar State Urdu Translator Cadre Rules, 2016.



7. It appears that the learned Single Judge, while reading the notification whereby the Urdu Directorate was brought in as an attached office of the Secretariat, making it amenable to the Bihar Secretariat Service Rules, understood it to be in the context of other employees under the control of the Directorate but not posted in the Directorate; rather posted in different field offices. Precisely, for this reason, the transfer was held by the learned Single Judge to be bad as any employee governed by the Bihar Secretariat Service Rules could be transferred only within the Secretariat in different departments.

8. The transfer order, which was under challenge before the learned Single Judge, specifically indicates that the controlling cadre, viz., the Urdu Directorate took a decision of transferring 101 such translators to different districts. They were not posted in the Directorate at the Secretariat.

9. In that view of the matter, on an erroneous



assumption that the employees who are within the Directorate but not posted in the Directorate also could not be transferred beyond various departments in the Secretariat, the impugned judgment was passed.

10. We do not find it to be the correct interpretation by the learned Single Judge.

11. All the writ petitioners/respondents are posted in field offices and at the time of transfer, they were never posted in the Directorate at the Secretariat. Thus, with the applicability of the Cadre Rules of 2016 governing the service conditions of employees of the Directorate, not posted in the Directorate, they could be transferred to different districts.

12. Reading anything else into the notification of the Government for bringing the Directorate as an attached office of the Secretariat would amount to subversion of the very purpose of creation of the Directorate and would cause impediment in the growth of Urdu as a second language of the State.



13. The judgment under challenge, therefore, is
not fit to be sustained and the same is thus set aside.

14. The appeal stands allowed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Saurabh/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2025
Transmission Date	NA

