

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18059 of 2023

1. Ramashish Ram S/o Motilal Ram, Resident of Village- Jiwadhara, P.S.- Piprakothi, District- East Champaran.
2. Jagannath Thakur, S/o Sarkar Thakur, Resident of Village- Bangari, P.S.- Piprakothi, District- East Champaran.
3. Sachindra Kumar Mishra, S/o Dhruv Mishra, Resident of Village- Madhubani, P.S.- Sangrampur, District- East Champaran.
4. Lalan Ram, S/o Harisharan Ram, Resident of Village- Pataura (Lala Tola), P.S.- Motihari Muffisil, District- East Champaran.
5. Satyanarayan Prasad, S/o Vishnudev Prasad, Resident of Village- Sirsa Khap, P.S.- Motihari Muffisil, District- East Champaran.
6. Shambhu Rai, S/o Devnaryan Rai, Resident of Chandrahiya, P.S.- Motihari Muffisil, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition Excise and Registration Department (Registration), Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
3. The Assistant Inspector General, Prohibition Excise and Registration Department (Registration), Government of Bihar, Patna.
4. The Under Secretary, Prohibition Excise and Registration Department (Registration), Government of Bihar, Patna.
5. The Assistant Inspector General, Registration Tirhut Division, Muzaffarpur.
6. The Collector-cum0-Registrar, Registration, East Chmaparan at Motihari.
7. The Sub-Registrar Department of Registration, Motihari, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1
For the Respondent/s : Mr.Standing Counsel (1)
Mrs. Babita Kumari, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-10-2025 Heard the parties.

2. The present writ application has been filed on
behalf of the petitioners for the following reliefs:-



(i) For issuance of a writ in the nature of certiorari to quash the Memo No. 5425 dated 20.10.2023(Annaxure-2) issued by the Assistant Inspector General of Registration, Prohibition Excise and Registration Department, Bihar, Patna by which without being consideration of Letter No. 9948 dated 26.05.2023 of the General Administrative Department, Government of Bihar he has arbitrarily not considered the issue of enter district transfer of the petitioners.

(ii) For issuance of a writ in the nature of a writ in the nature of certiorari to quash the transfer order dated 07.11.2022 (Annexure-4) as contained in Memo No. 5789 issued by the under Secretary, prohibition Excise and Registration Department, Bihar, Patna by which the Office Attendant have been transferred as State Level Employees, out of the district which is in violation of policy decision of the State Government as contained in Circular No. 4651 dated 25.04.1984 issued by the Personal and Administrative Reforms Department as well as against the provision lays down in rule 23A (2) of Instruction and Orders of the Registration Act, 1908.

(iii) For issuance of a writ in the nature of mandamus commanding them to modify/withdraw the transfer order as per circular/letter dated 25.04.1984 vide Circular No. 4651, issued by Government of Bihar Personal and Administrative Reforms Department and further its



clarification issued vide letter No. 9948 dated 26.05.2023 by the Deputy Secretary, General Administrative Department, Govt. of Bihar.

3. From the counter affidavit filed on behalf of the State, it appears that on administrative grounds, the petitioners have been transferred.

4. In the opinion of this Court, transfer is the incidence of service and there is no illegality in the impugned order.

5. In view of the above, this Court finds no ground to interfere with the impugned order.

6. Accordingly, this application stands dismissed.

(Sandeep Kumar, J)

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