
(2011) 09 JH CK 0089
In the Jharkhand High Court
Case No : L.P.A. No. 198 of 2011

Bhudeo Sah

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 26-09-2011

Acts Referred:

Citation : (2011) 09 JH CK 0089

Hon'ble Judges : R.K. Merathia, J;Dhrub Narayan Upadhyay, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—This intra court appeal has been filed against the order dated 20.4.2011, passed in WPS No. 1271 of 2011, dismissing the writ petition against the order of transfer contained in Memo No. 2512 dated 4.10.2010 (Annexure-5).

2. Mr. Ramit Satender, learned Counsel for the Appellant, referring to the Minutes dated 30.09.2010 (Annexure-A to the counter affidavit) submitted that Appellant has not been transferred only on the administrative ground but also on the ground of village dispute and some representations by teachers in special circumstances. He further submitted that Annexure-B which is Bihar Rules promulgated after bifurcation cannot be relied by the Respondents for the said transfer. He also submitted that Appellant has been deputed in census office and then he was transferred. He lastly submitted that Appellant is a disabled person and the school in which the Appellant is transferred is about 25 kilometers away from his home and there is no means of conveyance.

3. On the other hand, Mr. Rahman, appearing for the State, clarified that in the counter affidavit by mistake reliance has been placed on Bihar Rules, 2002 but the transfer was purely on administrative exigency and he was already relieved vide Annexure-C. He further pointed out that the writ petition was dismissed mainly on the ground that the Appellant was transferred from one school to another school within the same Block in an administrative exigency. He lastly

submitted that there is no provision that a disabled government servant cannot be transferred in an administrative exigency.

4. After hearing the parties and going through the records, it appears that the learned Single Judge has rightly dismissed the writ petition on the ground that Petitioner has been transferred from one school to another school within the same Block in an administrative exigency. It also appears from Annexure-C that the Appellant was already relieved. The submission that the Appellant is a handicapped person was also taken note of by learned Single Judge.

5. We do not find any merit to interfere with the impugned order. Accordingly, this letters patent appeal is dismissed.