

(2015) 12 PAT CK 0087

In the Patna High Court

Case No : Letters Patent Appeal No. 901 of 2015 in Civil Writ Jurisdiction Case No. 20618 of 2014

Lalit Narayan Rajak

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 21-12-2015

Acts Referred:

Citation : (2016) 2 BLJud 89

Hon'ble Judges : Mr. Iqbal Ahmad Ansari, ACJ. and Mr. Chakradhari Sharan Singh, J.

Bench : Division Bench

Advocate : Mr. Umesh Kumar Mishra, Advocate, for the Appellant; Mr. Ray Shivaji Nath, Advocate, A.A.G.-3 and Mrs. Divya Verma, A.C. to A.A.G.-3, for the Respondents

Final Decision : Disposed Off

Judgement

Mr. Chakradhari Sharan Singh, J.(Oral)—The appellant has preferred this appeal, under Clause 10 of the Letters Patent of this Court, being aggrieved by an order, dated 10.02.2015, passed, by a learned single Judge, in C.W.J.C. No. 20618 of 2014, whereby his application, filed under Article 226 of the Constitution of India, has been dismissed.

2. The appellant had made the said writ application, under Article 226 of the Constitution of India seeking quashing of a Government Notification No. 4063, dated 23.11.2014, so far as the same related to the appellant's transfer as District Programme Officer, Chapra, from the office of the District Programme Officer, Patna, within nearly five months of his posting at Patna. He had assailed the order of his transfer from Patna to Chapra on the ground that whereas certain other persons of his Cadre, were retained to be posted on various places in Patna, by adopting pick and choose policy, the said respondents transferred him to Chapra within five months of his earlier place of posting.

3. From the materials on record, we find that the appellant had approached the Grievance Redressal Cell of the Education Department, raising similar plea against the said order of transfer. He gave instances of the persons, who were allowed to remain at Patna despite the fact that they had earlier served at Patna. We have perused the order, dated 09.01.2015, issued by the Education Department upon the decision of the said Grievance Redressal Committee, rejecting the appellant's claim. It seems that, at least, one person, namely, Kaushal Kishore, who was junior to the appellant and had been posted in Patna earlier also, has been allowed to remain in Patna. It has also been stated at the bar that pursuant to the order of transfer from Patna to Chapra, the appellant has already submitted his joining on 06.02.2015.

4. In view of the facts, which are not much in dispute, we are satisfied with the submission advanced on behalf of the appellant that there has been some arbitrariness in the decision, relating to transfer and posting of the Officer, holding the post of District Programme Officer (Establishment) and no uniform policy in such matters, has been followed.

5. Considering the above, we direct the Principal Secretary, Education Department, Government of Bihar to re-consider and revise the decision of the appellant's transfer from the post of District Programme Officer, Patna to District Programme Officer, Chapra, after getting it placed before the Grievance Redressal Cell of the Department, again.

6. The exercise must be completed within a period of one month from today. The order passed by the learned single Judge, in appeal, stands modified, to the extent above.

7. The appeal stands disposed of.