
(1998) 07 PAT CK 0104

In the Patna High Court

Case No : C.W.J.C. No. 4668 of 1998 and I.A. No. 6344 of 1998

Nawal Kishore Prasad Singh and Another

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 15-07-1998

Acts Referred:

Citation : (1999) 1 PLJR 271

Hon'ble Judges : A.K. Ganguly, J

Bench : Single Bench

Advocate : Ravi Shankar Prasad and Rupak Kumar, for the Appellant; R.P. Bhagat, for State, S.N. Jha, Sujata Mukherjee for Respondent No. 6 and L.K. Bajla, for Respondent Board, for the Respondent

Judgement

A.K. Ganguly, J.—Having heard learned Counsel for the parties and also considering the facts and circumstances of the case, this Court is of the opinion that both the writ petition as also I.A. No. 6344 of 1998 can be disposed of by passing the following order:

2. The subject matter of challenge in this writ petition is an order of transfer of the Petitioners as contained in Annexure-1. The Petitioners are continuing as In-charge Executive Engineer, Purnea Division and Bhagalpur Division in the Bihar State Agriculture Marketing Board. By the order they have been transferred to the Headquarters. Initially the challenge was that the impugned orders were passed by one Smt. Raj Bala Verma on 4.6.1998 and on that day she did not have the authority to act as the Managing Director of the Respondent Board. Learned Counsel for the Petitioners has tried to prove this fact by relying on various documents annexed to the writ petition. Learned Counsel for the Petitioners submits that Smt. Raj Bala Verma has joined as the District Magistrate, Patna on 6.4.1998. This fact has been disputed by the learned Counsel appearing for the Respondent Board. Learned Counsel for the Respondents has submitted that even though Smt. Raj Bala Verma joined as the District Magistrate, Patna on 6.4.1998, she was authorised by the subsequent

notification to hold the charge of the Managing Director of the said Board since there was no Managing Director in the said Board at the relevant point of time and the impugned order was passed when the new Managing Director was to join. The further grievance of the Petitioners is that the impugned order was passed without the consent or without placing the matter before the establishment Committee of the Respondent Board. Now learned Counsel for Respondents submits that the new Managing Director has joined and the present (sic) Managing Director has full authority to consider the matter afresh.

3. In that view of the matter, Court directs the new Managing Director of the Respondent Board to consider question of desirability or not of transferring the Petitioners. The matter has to be considered afresh by the said Managing Director and a fresh decision will be taken within a period of ten days from today (sic). Since the matter has to be considered (sic) afresh, the impugned order of transfer need not be given effect to.

4. It is made clear that this order being passed without creating any precedent (sic).

5. With the above direction/observations, this writ petition as also I.A. 6344 of 1998 are disposed of. There be no order as to cost.