
(2009) 01 PAT CK 0097
In the Patna High Court
Case No : CWJC No. 608 of 2009

Pravin Kumar Sinha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 22-01-2009

Acts Referred:

Citation : (2009) 4 PLJR 717

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Navin Sinha, J.—Heard learned counsel for the petitioner and the State. The petitioner was transferred by an order dated 30.6.2008. He joined the place of transfer at Phulwarisarif, Patna. After he had joined, the respondents cancelled the order of transfer by an order dated 6.10.2008.

2. This aspect of the issue, cancellation of an order of transfer which had already taken effect, has been decided by two Bench decisions of this Court, reported in Smt. Jyotsna Kumari Vs. State of Bihar and Others, and Mahmood Azam Siddique and Another Vs. State of Bihar and Others, , holding that an order of transfer once issued and acted upon becomes a spent force and redundant. Thereafter, there is no transfer order in existence for cancellation or annulment.

3. Following the same, this Court in CWJC No. 16215 of 2008 Reported in Vidya Sagar Singh and Others Vs. The State of Bihar and Others, , and analogous cases by the order dated 6.1.2009 has held to the same effect.

4. This writ petition is, therefore, allowed in terms of the discussions contained in the order dated 6.1.2009 passed in CWJC No. 16215 of 2008.

5. The respondents shall, however, not be inhibited in their powers of dealing with the petitioner for his transfer and posting in accordance with law by reason of the present order. The writ petition stands allowed. The order dated 6.10.2008

stands quashed in so far as the petitioner is concerned.