
(2004) 09 PAT CK 0010
In the Patna High Court
Case No : CWJC No. 9524 of 2004

Sunil Kumar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 14-09-2004

Acts Referred:

Citation : (2005) 1 PLJR 116

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Advocate : Uma Kant Prasad, for the Appellant; Rajeshwar Pd., for the Respondent

Judgement

V.N. Sinha, J.—Heard learned counsel for the petitioner and the State. The petitioner has questioned the order of the Rural Development Department of the State Government bearing memo No. 6035 dated 31.7.2004, as contained in annexure 3, whereby the petitioner along with others has been transferred from one Block to another Block.

2. The ground of challenge is that the said order has been passed ignoring the ban imposed by the Election Commission of India vide its letter dated 12.7.2004 as contained in annexure 5 as also the letter of the Chief Electoral Officer, Bihar dated 227.2004, as contained annexure 4. Perusal of the impugned order dated 31.7.2004, annexure 3 itself will indicate that the transfer of the petitioner and others is subject to the approval of the Election Commission of India. As such, I am not inclined to interfere in the matter. In the event, the Election Commission of India does not grant its approval to the transfer of the petitioner, then it goes without saying that he will come back/remain in his position from which he has been transferred. This disposes of this writ application.