

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11864 of 2025

Rana Ranjit, Son of Late Sitaram Singh, Resident of Village-Banjariya, P.O.-
Krishnanagar, P.S.-Madhuban, District-East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Old Secretariate, Patna.
3. The Additional Secretary, Urban Development and Housing Department, Government of Bihar, Old Secretariate, Patna.
4. The Director, Urban Development and Housing Department, Government of Bihar, Old Secretariate, Patna.
5. The Election Commission of India, through its Secretary, Nirvachan Sadan, Ashoka Road, New Delhi, 110001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Suraj Samdarshi, Advocate
Mr. Avinash Shekhar, Advocate
Ms. Simran Kumari, Advocate

For the Respondent/s : Mr. Vikas Kumar, Advocate

For the E.C.I : Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 22-08-2025

Heard Mr. P.N. Shahi, learned Senior counsel assisted by Mr. Avinash Shekhar, learned counsel for the petitioner, Mr. Vikas Kumar, learned counsel for the respondent-State and Mr. Siddhartha Prasad, learned counsel for the Election Commission of India.

2. Learned Senior Advocate for the petitioner would mainly submit that present is a petition filed under Article 226 of the Constitution of India and is in the nature of Public Interest Litigation. It is submitted that the petitioner has prayed that the order dated 30.06.2025 issued under signature of the respondent- Additional Secretary, whereby cumulative 132 personnel of the Urban Development and Housing Department have been transferred, be quashed. The petitioner has also prayed that appropriate direction be issued to the respondents to ensure that the directions issued by the respondent-Election Commission of India in Clause 8 of memo dated 24.06.2025 under Article 324 of the Constitution of India is complied with.

3. Learned Senior Advocate has referred the averments made in the memo of the petition and, thereafter, mainly submitted that in view of the pending Assembly Election in the State of Bihar, the Election Commission of India issued memo



dated 24.06.2025, whereby Special Intensive Revision of the Electoral Rolls of each Assembly Constituency in the State of Bihar was to be conducted in the exercise of its power under Article 324 of the Constitution of India and under Section 21 of the Representation of the People Act, 1950.

4. In Clause 8 of the aforesaid memo, the Election Commission of India directed that the Chief Secretary shall ensure that CEO/ DEO/ ERO/ AERO/ BLO supervisor/ BLO and other officers involved in preparation of electoral rolls are adequately supported with manpower and resources and further that during the revision period, the Chief Secretary shall ensure that no post notified as DEO/ ERO/ AERO is vacant and no such officer is transferred without prior approval of the Commission.

5. It has been pointed out from the record that now the Urban Development and Housing Department issued memo dated 30.06.2025 whereby 126 personnel of the said department have been transferred. It is contended that the aforesaid order of transfer is in violation of the letter issued by the Election Commission of India and therefore, the said order be quashed and thereby appropriate direction be issued to the respondent authority.



6. On the other hand, learned counsel appearing on behalf of the respondents-State has opposed the present petition. Learned counsel has pointed out from the record that in the impugned order of transfer itself, it has been stated that the said order is subject to approval of the Election Commission of India.

7. At this stage, learned counsel has opposed the petition and contended that the present petition is not maintainable in the form of Public Interest Litigation. Learned Government counsel would submit that it is always open for the affected officers to file petition before this Court. However, in service matters, PIL is not maintainable and, therefore, looking to the facts and circumstances of the present case, this Court may not entertain the present Public Interest Litigation.

8. Learned counsel has placed reliance upon the decision rendered by the Hon'ble Supreme Court in the case of **Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra & Ors.**, reported in **(2013) 4 SCC 465**.

9. Having heard learned counsels appearing for the parties and having gone through the material placed on record, it would emerge that the present petition has been filed in the nature of Public Interest Litigation. The grievance of the



petitioner in the present petition is that 132 officers of a particular department have been transferred though there is an order passed by the Election Commission of India that during this process of election, such officers cannot be transferred without prior approval.

10. We are of the view that there is no public interest involved in the present petition. Further, it is always open for the aggrieved officers to file petition challenging the decision taken by the concerned respondent authority by which they have been transferred.

11. In the case of **Ayaaubkhan Noorkhan Pathan** (*supra*), the Hon'ble Supreme Court has observed in paragraph no.15 as under :-

“15. Even as regards the filing of a public interest litigation, this Court has consistently held that such a course of action is not permissible so far as service matters are concerned. (Vide Duryodhan Sahu v. Jitendra Kumar Mishra, Dattaraj Nathuji Thaware v. State of Maharashtra and Neetu v. State of Punjab.”

12. We are of the view that when the officers are transferred from one place to another, the present petition in the nature of Public Interest Litigation is not maintainable in view



of the aforesaid decision.

13. Accordingly, the petition stands dismissed.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

Bibhash/shiv

AFR/NAFR	
CAV DATE	N/A
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Transmission Date	

