

Transfer Policy for Judicial Officers in the District Judiciary of Bihar

(For Judicial Officers of the District Judiciary of Bihar)

Issued under the direction of the Hon'ble High Court of Judicature at Patna

This Handbook consolidates the provisions relating to Transfer policy for Judicial Officers of the District Judiciary of Bihar. It is intended to serve as an authoritative reference document and shall remain in force unless modified by the Hon'ble Standing Committee of Patna High Court.

Transfer Policy for Judicial Officers in the District Judiciary

In pursuance of the recommendation of the NCMS Sub-Committee of the Hon'ble Supreme Court of India with suitable modification the written transfer policy titled "*Transfer Policy for Judicial Officers in the District Judiciary of Bihar*", is hereby adopted which shall come into effect immediately.

1. Constitution of Transfer Policy

a) The written policy shall ensure fairness, transparency, and clearly define the competent authority responsible for transfers, covering both **Annual General Transfers (AGT)/Exemption from AGT** and **mid-term transfers**.

b) A **Transfer Committee**, consisting of two Members of the Standing Committee, with the Registrar General as the Presenting Officer, shall be constituted every year to make recommendations to the Hon'ble Standing Committee on matters relating to transfers of Judicial officers of Bihar.

2. Zone-wise Division

It is resolved to adopt the Standing Committee's decision regarding **zone-wise division of districts of Bihar** as per the Minutes dated 01.04.2024, based on the recommendation of the Sub-Committee dated 14.03.2024, as an integral part of this Transfer Policy.

I. Six Zones:

ZONES	JUDGESHIPS IN THE ZONE
ZONE A (02 Judgeships)	PATNA & VAISHALI
ZONE B (07 Judgeships)	DARBHANGA, EAST CHAMPARAN , KAIMUR, MADHUBANI, ROHTAS, SHEOHAR & SITAMARHI
ZONE C (05 Judgeships)	BEGUSARAI, BHOJPUR, LAKHISARAI, MUZAFFARPUR & SARAN
ZONE D (08 Judgeships)	BANKA, BHAGALPUR, JAMUI, JEHANABAD, MUNGER, NALANDA, SHEIKHPURA & SAMASTIPUR
ZONE E (07 Judgeships)	AURANGABAD, BUXAR, GOPALGANJ, GAYA, KHAGARIA, NAWADA & SIWAN
ZONE F (08 Judgeships)	ARARIA, KATIHAR, KISHANGANJ, MADHEPURA, PURNEA, SAHARSA, WEST CHAMPARAN & SUPAUL

II. Zone wise Transfer:- Judicial Officers shall be posted from one Judgeship to another in the cyclic order of rotation from Zone-A to Zone-B, Zone-B to Zone-C, Zone-C to Zone-D, Zone-D to Zone-E, Zone-E to Zone-F and similarly from Zone-F to Zone-A.

In case of unavailability of seat/vacancy for posting in any particular zone or zone of choice then the officer shall be

transferred to the next zone in the aforesaid cyclic order or rotation for transfer and posting. For Example – If an officer posted in zone-A is to be transferred to zone-B, but there is no vacancy in zone-B, then he may be transferred to the next zone in the said order, i.e. zone-C or Zone-D or Zone-E or Zone-F wherever vacancy becomes available for such posting.

Further, the officers who are posted in Sub-divisions (except Danapur and Patna City) in any Judgeship shall be transferred and posted to the Headquarters in the next Judgeship at the time of Annual General Transfers so that every officer gets an opportunity to serve in all kinds of Judgeships and Sub-Divisions during the tenure of their service.

3. Tenure and Rotational Transfer

a) The Transfer shall be tenure-based and rotational transfers. Judicial officers shall be eligible for transfer after completion of **three years of posting**, from one zone to another.

b) Where the tenure of an officer is partly on deputation and partly as a judicial officer in the same judgeship, both periods shall be combined and counted towards completion of the said three years.

4. Posting Preferences and Procedure of AGT

(1) Judicial officers posting preferences shall be duly taken into consideration. Judicial officers' posting preferences within Zone shall be taken into consideration keeping in view **the availability of vacant posts in the judgeships falling within the Zone. The choice shall be given as per seniority in the cadre of the Officer.**

(2) At present, choices are collected before Annual General Transfer. Henceforth:

- a. The transfer process shall commence in the **first week of December** each year, through an online platform.
- b. Judicial officers due for transfer shall submit their three choices **online by 20th December**.
- c. If an officer does not submit any preference, he/she shall be deemed willing for posting in any district of the next zone.
- d. The Registry shall compile choices and relevant data by **20th January** for submission before the Transfer Committee.
- e. The Transfer Committee shall finalize AGT/exemption requests by **20th February**.
- f. The AGT shall be completed and published by the **first week of March**, enabling transferred officers to join their new posts positively by **31st March of every year**.
- g. The timeline as far as possible shall be strictly followed.

5. Mid-Term Transfers

The recommendations of the NCMS Sub-Committee regarding mid-term transfers are adopted. Mid-term transfers may be effected on the following grounds:

- Administrative exigencies;
 - Poor performance;
 - Initiation of inquiry against the officer;
 - Other circumstances identified by the High Court, such as spouse posting (where spouse is a judicial officer) except Patna Judgeship.
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- Mid- term transfer in case of spouse ,who is not a Judicial Officer, shall not be considered.

The reasons for such transfer shall be internally documented and may also be shared with the officer concerned.

6. Special Posts

Special posts requiring **specialized qualifications, expertise, or experience** may be filled through AGT on a case-to-case basis.

7. Frequency of General Transfers

- a. The frequency of general transfers shall remain **annual**.
 - b. The end date for calculation of tenure may be rounded off, and a period of **three months may be rounded off** in calculating tenure for AGT.
 - c. Since AGT 2023/2024 was effective from June 2023/2024, officers transferred in AGT 2023/2024 or otherwise shall be considered due for AGT 2026/2027, applying the rounding-off principle.
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8. Online Platform

It is resolved that an **online platform** for AGT be developed by the Programming Cell.

The platform shall contain:

- The approved transfer policy;
 - Exact cut-off dates for submission of preferences;
 - Facility for uploading representations for exemption/mid-term transfer;
 - Facility for electronic communication of transfer orders.
 - Approved Format for transfer for filling it up by Judicial officers.
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The link for submission shall automatically be disabled upon expiry of the cut-off date.

9. Transfer on Deputation

- a. Judicial officers of Bihar may be posted on deputation for a **maximum tenure of three years**.
 - b. The Hon'ble Standing Committee shall be the competent authority for such transfers.
 - c. Any officer aggrieved by a deputation posting may submit representation, with reasons, before the Hon'ble Chief Justice.
 - d. While making deputation transfers to the General Administration or other Departments of the State Government of Bihar, ordinarily the **three seniormost serving officers of the required cadre** shall be considered, unless cogent reasons exist to depart from this principle.
 - e. For deputation to:
 - **Bihar State Legal Services Authority** – Recommendation of the Hon'ble Executive Chairman may be required.
 - **Bihar Judicial Academy** – recommendation of the Hon'ble Chairman of the Board of Governors may be required.
 - With respect to grant of no objection to Judicial Officer applying for/going on Deputation to any post of Central Deputation/Government Undertaking or Organisation, a comprehensive policy in this regard may be framed and adopted by the Hon'ble Full Court.
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10. Grounds for Exemption from AGT

Grounds for exemption from AGT are adopted, which shall include:



- Critical health issues of the officer, spouse, or parent having single child and they being wholly dependent on the officers (including cancer, liver/kidney failure, terminal illness, etc.);
- Educational requirements of children appearing for Class X/XII Board Examinations;
- Physical disability of the officer requiring his stay at the same station, with cogent reasons;
- Joint posting with spouse who is a judicial officer provided none will claim extension on the ground that either of the spouse has tenure of three years left to be completed.
- Less than six months left before retirement.
- Any other reasons/ grounds that Standing Committee thinks to be plausible.

11. Grievance Redressal Mechanism

- a. It is resolved that a grievance redressal mechanism be incorporated. Judicial officers aggrieved by their transfer may submit a representation to the Hon'ble Chief Justice **within three days of communication of transfer order.**
- b. However, pendency of representation shall not operate as a stay of transfer.

12. Clarification on Mid-Term Transfers and Exemptions

It is clarified that mid-term transfers and exemptions, based on the aforesaid grounds, shall not create a vested right in favour of the officer and shall be considered on a case-to-case basis, subject to availability of vacancies and

applicable rules. The Standing committee shall be the final authority to decide on transfer of Judicial Officers.

13. Joining Time

- a. Joining time upon order of transfer shall ordinarily be **21 days from the date of order of transfer.**
 - b. In cases where immediate/ forthwith joining is required, the same shall be specifically mentioned in the transfer order.
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14. Model Proforma

- a)The Model Proforma of Transfer(Annexure-I) shall be filled up online by officers for their transfer on Annual General Transfer/Mid-term/Exemption from AGT.
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Annexure-I

III. Model Transfer Proforma

Proforma of Transfer

(to be filled by the judicial officer)

1. Name of the Judicial Officer-
2. Presently posted as-
3. Date of joining the present post-
4. Period of tenure as calculated till _____ -
5. Due to be posted in zone-
6. Place of posting during last 6 years with date-

Post	Zone	District	Joining Date	Transfer Date

7. NATURE OF REQUEST

- (A) Due for transfer
- (B) Extension of tenure
- (C) Premature transfer before completion of normal tenure

8. CHOICE OF STATIONS (Zone-wise)

Zone	Preferred Districts
Zone A	1. 2. 3.
Zone B	1. 2. 3.

9. GROUNDS IN SUPPORT OF REQUEST

A. Acute and terminal health issues affecting the judicial officer (medical records to be attached herewith)

Remarks, if any _____

B. Acute and terminal health issues affecting the family member of the judicial officer (medical records to be attached herewith)

Remarks, if any _____

C. Physical disability experienced by the judicial officer (medical records to be attached herewith)

Remarks, if any _____

D. Educational needs of dependents (proof of admission to be attached herewith)

Remarks, if any _____

E. Joint posting with spouse (record of spouse's current posting to be attached herewith; officer to mention when their spouse's transfer is due)

Remarks, if any _____

F. Judicial Officer is due to retire in _____ (the period specified by the policy)

Remarks, if any _____

G. Any other grounds

Remarks, if any _____

The proforma must be submitted by the judicial officer via _____ (Online platform identified in the policy) by _____ (due date specified in the policy). The transfer order will be communicated to the officer by _____ (transferring authority) via _____ (aforementioned online platform) by _____ (due date identified by the policy).

Date

Signature of Officer