

GAHC040001642021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C) 42/2021

1:Nang Neera Manpang
D/O LT. CHOW MITAYA MANPANG, RESIDENT OF GUNANGAR VILLAGE,
PO/PS CHONGKHAM, NAMSAI DISTRICT, AP.

VERSUS

1:The State of AP and 2 Others
REPRESENTED BY THE SECRETARY (HEALTH AND FW), GOVT. OF AP,
ITANAGAR.

2:THE DIRECTOR OF HEALTH SERVICES
GOVT. OF AP
NAHARLAGUN
AP.

3:KARTO ETE
JUNIOR SPECIALIST (MEDICINE)
DISTRICT HOSPITAL
BASAR
LEPA RADA DISTRICT
AP

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : Taba Tagum

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 04.01.2023

Heard Mr. J. Jini, learned counsel for the petitioner and also heard Mr. T. Tagum, learned standing counsel for the Health Department.

The order impugned in this writ petition is dated 28.01.2021 issued by the Secretary, Health and Family Welfare, Govt. of Arunachal Pradesh, Itanagar vide No. AP/HFW-01/2014(Vol-II)/740 whereby, the petitioner, who is working as Junior Specialist (Medicine) at General Hospital, Aalo was transferred to District Hospital, Basar and in his place the respondent No.3 – Dr. Karto Ete, Junior Specialist (Medicine) working at District Hospital, Basar was brought to General Hospital, Aalo.

This Court by an order dated 17.02.2021, while issuing notice to the respondents had stayed the impugned order of transfer and posting dated 28.01.2021.

Mr. Tagum, learned standing counsel for the Health Department has produced before this Court an order dated 16.09.2022 issued by the Principal Secretary (Health & FW), Govt. of Arunachal Pradesh vide No. AP/HFW-63/2020/197, which is an order accepting the resignation of the respondent No.3 – Dr. Karto Ete from the post of Junior Specialist (Medicine) of APHS cadre pursuant to his resignation letter submitted by the respondent No.3 dated 06.06.2022.

In view of the above, the learned standing counsel for the Health

Department submits that this writ petition may be disposed of by setting aside the impugned order of transfer and posting dated 28.01.2021 with a liberty granted to the respondent authorities to take a fresh decision in the matter of transfer and posting of the petitioner.

Upon hearing the learned standing counsel as well as the learned counsel for the petitioner and also having taken note of the fact that the respondent No.3 has in the meanwhile resigned from the post of Junior Specialist (Medicine), whose resignation has been accepted by the appropriate authority, this writ petition is hereby disposed of by setting aside the impugned order dated 28.01.2021 issued by the Secretary, Health and Family Welfare, Govt. of Arunachal Pradesh, Itanagar vide No. AP/HFW-01/2014(Vol-II)/740 with a liberty granted to the respondent authorities to take a fresh decision in the matter of transfer and posting of the petitioner keeping in view the administrative exigencies and the public interest.

A copy of the order dated 16.09.2022, issued by the Principal Secretary (Health & FW), Govt. of Arunachal Pradesh vide No. AP/HFW-63/2020/197, produced by Mr. Tagum, learned standing counsel for the Health Department is retained on record and shall be marked as 'X' for identification.

The writ petition stands disposed of as indicated above.

JUDGE

Comparing Assistant