

Court No. - 34

Case :- WRIT - A No. - 16016 of 2023

Petitioner :- Dr. Amlesh Joshi

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Shivakant

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Instruction placed today by learned Standing Counsel for the State is taken on record. Copy of which is also supplied to learned counsel for the petitioner.

2. As per instruction petitioner has been found to be involved in private practice at Khajuha, the place where the Primary Health Centre situates and the petitioner has been transferred.

3. The grievance of the petitioner is that earlier he was transferred from Gopalganj to Khajuha and now he is repatriated for no justifiable reason. He submits that the complaint on the basis of which he has been transferred is vague and false. It is further submitted that earlier he was transferred at Gopalganj due to the reason that he was being harassed and for which he has suffered cardiac problem. He further submits that all the complaints that have been placed alongwith instruction are subsequent to the transfer and therefore, could not be a ground to justify transfer and deny claim of the petitioner for being repatriated at Primary Health Centre, Khajuha.

4. Be that as it may, since the respondents have come up with the case that there are serious reports regarding petitioner's involvement in private practice which may result in not properly taking care of patients who are poor villagers at Primary Health Centre I do not find any compelling ground to interfere with the transfer order, however, his request for any other nearby Primary Health Centre can be considered as he was earlier transferred from Gopalganj on personal request.

5. Accordingly in the first instance petitioner is directed to

join at transferred place within a period of two weeks, after which he may represent the matter before the competent authority within a further one week and in the event any representation is filed for transfer to a place other than Gopalganj, the same shall be looked into and considered sympathetically and disposed of in terms of the transfer policy dated 07.06.2023 within further two weeks.

6. With the aforesaid observations and directions, this petition stands ***disposed of***.

Order Date :- 27.10.2023

Deepika