

Court No. - 20

Case :- WRIT - A No. - 6871 of 2023

Petitioner :- Smt. Archana Rawat

Respondent :- State Of U.P. Thru. Prin. Secy. Medical, Health And Family Welfare Deptt. Lucknow And 4 Others

Counsel for Petitioner :- O.P. Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. On 19.09.2023, the following order had been passed:-

"Heard learned counsel for petitioner and learned State counsel for opposite parties.

Petition has been filed challenging transfer order dated 22.08.2023.

It has been submitted that the impugned order indicates that petitioner has been transferred on the ground that at least one ANM is required to be posted in every Community Health Centre. It is submitted that the petitioner is only ANM working in her present place of posting and therefore there was no occasion for the opposite parties to have transferred her on that ground particularly when the petitioner has been transferred to her present place of posting only one year before.

Learned State Counsel is granted two days' time to seek instructions in this matter.

List on 25.09.2023, as fresh."

3. In pursuance thereof, learned State Counsel has been provided written instructions dated 01.12.2023, which are taken on record.

4. From a perusal of aforesaid instructions indicates that at the place of posting of petitioner in the Community Health Center Deva, Sub Center- Kurkhila District- Barabanki there is only one another ANM, Smt. Neetu Awasthi posted. However, the instructions also indicate that while petitioner has been posted as a Substantive ANM, the other person is only on contractual basis.

5. The aforesaid instructions clearly corroborate and substantiate submissions advanced by learned counsel for

petitioner and therefore, the impugned order dated 22.08.2023 so far as it relates to petitioner being found arbitrary is hereby quashed by issuance of writ in the nature of certiorari.

6. Consequently, petition succeeds and is **allowed**. Parties to bear their own costs.

Order Date :- 13.12.2023

Satish