

Court No. - 20

Case :- WRIT - A No. - 8120 of 2023

Petitioner :- Dr. Shashi Kant Chaudhary

Respondent :- State Of U.P. Thru.Prin. /Addl.Chief Secy. Deptt. Of Medical Health And Family Welfare And 2 Others

Counsel for Petitioner :- Ganesh Nath Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.
2. Petition has been filed challenging order dated 18.09.2023 whereby petitioner has been posted in the Community Health Centre Pariwa At Sumbha, District Barabanki.
3. It has been submitted that earlier petitioner was attached in the Scheme of National Health Mission in Lucknow on deputation whereafter the attachment came to an end on 08.09.2023 but instead of petitioner being posted in his earlier place, he has now been posted at a completely new Centre. It is submitted that once petitioner's attachment ended, he was required in terms of Service Rules to be posted in his initial place.
4. Mr. Vikas Singh, learned State counsel however on the basis of written instructions dated 17.10.2023, which are taken on record submits that upon ending of petitioner's attachment, he gave a representation dated 12.09.2023 requesting to be posted at Community Health Centre Pariwa at Sumbha, District Barabanki and impugned order has been passed in pursuance thereof.
5. Upon consideration of submissions advanced by learned counsel for parties and perusal of material available on record, it is quite evident that impugned order has been passed on the basis of option exercised by petitioner himself.
6. In such circumstances, petition would be bound by principles of estoppel.
7. Considering aforesaid, no relief can be granted to petitioner and therefore petition being devoid of merit is **dismissed**. Parties to bear their own costs.

Order Date :- 18.10.2023

Subodh/-