

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11327 of 2015

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1. Dr. Sachidanand Jha, son of Late Krishna Chandra Jha, Resident of Village- Arer (Dih Tola), P.S.- Arer, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Under Secretary to the Government, Health Department, Government of Bihar, Patna.
4. The Joint Secretary to the Government, Health Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar

For the Respondent/s: Mr. Mritunjay Kumar, AC to AAG10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-08-2015

Writ application is dismissed now since there are cogent and valid reasons emerging from the counter affidavit as to why petitioner had to be moved within a week of issuance of Annexure-4 by the order contained in Annexure-7.

Initially such order of transfer did look incongruous since it came to be issued on such a short notice but it is evident from the counter affidavit now that the petitioner has been posted at Darbhanga in major period of service, in one capacity or the other. Even prior to his transfer to Purnea, petitioner was posted at Darbhanga. When this fact came to the knowledge of the authorities after the notification was

issued on 14.7.2015, the remedial measure was taken by issuance of Annexure-7 on 22.7.2015.

The Court, therefore, comes to a considered opinion that it is not a case of mala fide or arbitrariness as such.

Coming to the submission of the counsel for the petitioner that his date of superannuation is May, 2016 and he should be accommodated as per his request in the last leg of his service, that is another matter. It is for the respondent authorities to consider if such an accommodation or request can be entertained keeping in mind the desire of the petitioner in terms of the circular. However, the Court makes it clear that such a circular is not mandatory in nature but surely gives a right to a government servant for consideration.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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