

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.810 of 2015

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1. Smt. Anju Das Gupta, Wife of Sri Deepak Sen Gupta Resident of Mohalla-Chandamri, P.O. AND P.S- Motihari, District- East Champaran, Motihari.
 2. Smt. Shanti Majumdar, Wife of Late N.P.Lalit, Resident of Mohalla- New Agrwa, Deoraha Path Motihari, P.S. Motihari, District- East Champaran, Motihari.
 3. Smt. Madhuri Kumari, Wife of Prasoon Sen Gupta, resident of Mohalla-Chandamari, P.O +P.S - Motihari, District- East Champaran, Motihari.
 4. Smt. Ratna Kumari Ghosh, Wife of Malay Kumar Banarjee, Resident of Mohalla- Gayan Babu Chowk, P.S. - Motihari, District- East Champaran, Motihari.
 5. Smt. Maya Kumari Das Gupta, Wife of Sandeep Kumar Rai, Resident of Mohalla- Chandmari, P.S. - Motihari, District- East Champaran, Motihari.
 6. Smt. Sudhira Kumari, Wife of Satrudhan Thakur, Resident of Mohalla-Trilokinath Chowk, Agarwa, P.S. - Motihar, District- East Champaran (Motihari)
 7. Smt. Kumari Anchal Singh, Wife of Sri Shivjee Prasad, Resident of Mohalla-Belbanwa, P.S. - Motihari, District- East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Government of Bihar, Patna.
3. The Regional Deputy Director, Health Services Tirhut Division Muzaffarpur.
4. The District Magistrate, East Champaran, Motihari.
5. The Civil Surgeon-cum-chief Medical Officer, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Aditya Narain Singh
Mr. Ajay Kumar Sharma

For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-04-2015

Not every administrative decision is required to be interfered with on hyper-technicality of law because decision taken by the administrative authorities in the interest of administration is equally important. Above facts seems to be evident from reading of Annexure- 1, which is under challenge.

All these persons whose name figure in Annexure- 1, dated 15.12.2014, seems to have been posted at Sadar Hospital,

Motihari for a very long time. There are many a Primary Health Centre, which are unrepresented and without any availability of service of ANM including Group A ANM. Enough arguments have been made what is required to be done or not.

It is the primary responsibility of the administration also to ensure that Primary Health Centre is also functional units and cannot be run without the services of doctors and ANMs being available. It is evident that based on the inputs of the District Magistrate, a decision was taken to transfer many ANMs which includes the present petitioners to various Primary Health Centres, which is in the interest of public as well as administration. Since this transfer cannot be said to be a routine transfer, the circular or guidelines issued by the Cabinet Secretariat relating to transfer cannot be used for overcoming the impugned order.

Writ application, therefore, is required to be dismissed and is dismissed. If the petitioners join the place of transfer and thereafter approach the Regional Deputy Director in this regard, he will consider the matter in accordance with law.

(Ajay Kumar Tripathi, J)

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