

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6013 of 2015

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1. Dr. Binod Kumar Son of Sri Nand Keshwar Prasad Resident of Village/ Mohalla - Kankar Bagh , Sector- F-147, Peoples Co-operative Colony, P.S. - Kankar Bag , District- Patna.
2. Dr. Ashok Kumar Malviya, Son of Late Jaydeo Prasad Malviya , Resident of Village/ Mohalla- Rajendra Nagar, Flat No. 204, Ampara Plaza, Road No. 12, P.S. - Kadam Kuan , District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Department of Health and Medical Education , Govt. of Bihar, Patna.
3. Joint Secretary , Department of Health , Govt. of Bihar, Patna.
4. Principal , Patna Medical College and Hostpital (P.M.C.H.) , Patna.
5. Principal , Jawahar Lal Nehru Medical College , Bhagalpur.
6. Principal , Anugrah Narain Magadh Medical College, Gaya.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Advocate  
Mr. Ritesh Kumar, Advocate

For the Respondent/s : Mr. AAG3-ROY SHIVAJEE NATH

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**ORAL JUDGMENT**  
**Date: 10-07-2015**

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**10.07.2015**

Heard learned counsel for the parties.

The submission of the counsel for the two petitioners is in similar terms as what was urged in C.W.J.C. No. 17680 of 2014. It was the case of Dr. Vijay Kumar Versus State of Bihar & others, decided on 11.05.2015. The reason why the arguments have been adopted is because of a common notification even these petitioners came to be transferred from PMCH under the circumstances dealt with in detail in the case of Dr. Vijay

Kumar (supra).

Since the rational and reasoning given weighed in favour of the petitioner and the said notification was quashed, the same analogy will also be extended to these two petitioners and the order of transfer, contained in Annexure-2, dated 07.10.2014 stands quashed.

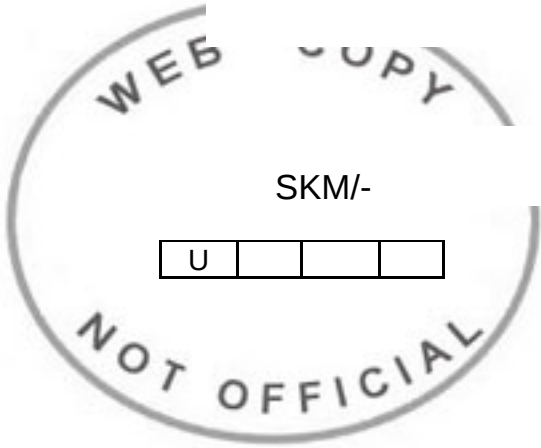
However, the Principal Secretary, Department of Health, Government of Bihar, Patna is directed to ensure that no doctor who has spent sufficient number of time and length of service in PMCH is allowed only to serve the patients and citizens of Patna. Their talent should also be used for other patients of the State of Bihar because besides PMCH there are too many hospitals existing in the State of Bihar and the experience and expertise earned by some of these doctors should also be utilized for enhancement of the quality of treatment for the patients of other hospitals as well.

A decision in this regard after due review must be taken within a period of three months from the date of production / communication of a copy of this order.

The office will communicate this order to the Principal Secretary by fax immediately.



Writ application is allowed with observation /  
direction as above.



(Ajay Kumar Tripathi, J.)