

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18034 of 2014

1. Bharti Kumari Wife of Sanjay Prasad Yadav, Daughter of Madan Prasad Hazari, Resident of Village- Sarotiya, P.O. + P.S.- Godda, District- Godda (Jharkhand). At present working as ANM, Health Sub Centre Dubari Dighal Bank, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, null Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna
2. Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna
3. Director-in-Chief, Health Services, Bihar, Patna
4. Collector, Kishanganj, District- Kishanganj
5. Civil Surgeon cum Chief Medical Officer, Kishanganj, District- Kishanganj
6. Incharge Medical Officer, Primary Health Centre, Dighal Bank, District- Kishanganj
7. Incharge Medical Officer, Primary Health Centre, Belwa, District- Kishanganj

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sarangdhar Jha
For the Respondent/s : Mr. RAM BALAK MAHTO

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 27-01-2015

Heard learned counsel for the parties.

Since there is no violation of any rule or regulation or absence of jurisdiction of the competent authority, who has issued the order of transfer against the petitioner, the Court is reluctant to interfere with the order of transfer, especially since the respondents in the counter affidavit have indicated administrative reasons why such a decision has been forced to be taken, which are attributable to the petitioner.

Writ application, therefore, is dismissed.

However, liberty is given to the petitioner to approach the competent authority on humanitarian considerations, if such a case is made out, which has been urged at the bar on behalf of the petitioner. But that consideration can only be made after the petitioner joins the concerned post, as furtherance to the order of transfer, which is under challenge. After she joins, it is the obligation upon the respondents to ensure that she begets her regular salary as well as arrear, which has not been paid for one reason or the other.

(Ajay Kumar Tripathi, J.)

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