

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23251 of 2013

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Shree Narayan Singh S/O Late Krishnadeo Singh Resident Of Village-
Asopur, P.S- Piprahi, District- Sheohar.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Health, Govt. Of Bihar, Patna.
2. The Regional Deputy Director Of Health, Tirhut Division, Muzaffarpur.
3. The Civil Surgeon- Cum- Chief Medical Officer, Sheohar.
4. Veyas Nandan Jha S/O Late Vijay Kant Jha Resident Of Village- Sugia Katsari, Ps And District- Sheohar Working As Clerk In Office Of Civil Surgeon- Cum- Chief Medical Officer, Sheohar.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 20-03-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:-

"(a). For issuance of appropriate writ/order or direction commanding the Respondent no. 1 to 3 to post the respondent no. 4 on his original post of Health Education in Primary Health Centre Purnahiya District-Sheohar as he has been wrongly continuing on deputation in the office of the respondent no. 3 as clerk since 1998.

(b) For issuance of appropriate writ/order or direction commanding the Respondent no. 1 to 3 not to allow the Respondent no. 4 to

continue on deputation in the office of the Respondent no. 3 for unlimited period."

Having regard to the fact that the petitioner seems to be aggrieved by certain decision of allotting work to respondent no. 4, who is said to be on deputation since last 15 years, this Court will not find any reason to interfere with the internal working arrangement made by the office of the Civil Surgeon. Such administrative decisions of the Civil Surgeon was/is capable of being put to the notice of Director-in-chief of Health Services, who is the head of the department of class-III employees of the Office of Civil Surgeon all over Bihar.

In that view of the matter, this Court will also not give any precedence to the certain order passed by the Regional Deputy Director of Health, Tirhut Division, Muzaffarpur dated 23.11.2012, on which reliance was placed by learned counsel for the petitioner. If the petitioner is aggrieved on account of continuation of respondent no. 4, for any reason whatsoever, the remedy



for him is only by filing a representation before the Director-in-chief of health Services who will of course be under an obligation to examine all the aspect of the matter including illegal continuation of respondent no. 4.

When such an observation has been made, learned counsel for the petitioner seeks permission to withdraw this application in order to enable the petitioner to file his representation before the Director-in-chief of Health Services.

At this stage learned counsel for the respondent no. 4 submits that as a matter of fact the petitioner has already been transferred pursuant to the observation made by a Divison Bench of this Court in P.I.L. vide order dated 20.08.2013 passed in C.W.J.C No. 2429 of 2013. It is therefore made clear that if any order has already been passed by this Court as with regard to transfer of the petitioner, the Director-in-chief of Health Services will also take note of this fact at the time of examining the representation of the petitioner. This

exercise however must be completed by the Director-in-chief of Health Services within a period of four months from the date of filing of the representation by the petitioner.

With the aforementioned observation and directions, this application is permitted to be withdrawn as prayed for.

(Mihir Kumar Jha, J)

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