

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10943 of 2014

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Suryakant Singh Son of Late Mahadeo Singh permanent resident of Village : Bala Vihar, P.S. Karpi, P.O. Rampur Chai, District : Arwal presently residing in the house of Shri Mithilesh Singh, Mohalla : Naga Bigha, P.O. Kachahari, P.S. Nagar, District : Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Government of Bihar, Patna.
3. The Civil Surgeon-cum-Chief Medical Officer, Aurangabad.
4. Shri Akhileshwar Prasad Son of at present not known to this petitioner but presently posted as Clerk, Primary Health Centre, Obra, Aurangabad and transferred to Civil Surgeon's Office, Aurangabad.
5. Shri Raja Ram Prasad Son of at present not known to this petitioner but presently posted as Senior Clerk in the Office of the Civil Surgeon cum Chief Medical Officer , Aurangabad.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 16-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner is a district cadre employee and he is bound by the transfer order passed by the Civil Surgeon, this Court will have no difficulty in holding that the order passed by the R.D.D.E. cancelling the order of Civil Surgeon is absolutely without jurisdiction.

Such order of transfer is capable of being assailed before the Director-in-Chief of Health Services, who is

the head of the department. Admittedly, the petitioner is still continuing by way of deputation in the office of the Civil Surgeon, Aurangabad and therefore, if the petitioner has any grievance as with regard to order of transfer/deputation, his only remedy is before the Director-in-Chief of Health Services.

Learned counsel for the petitioner submits that the petitioner has already approached the Director-in-Chief of Health Services by filing a representation. If that be so this Court would expect the Director in Chief to take an appropriate decision in accordance with law.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

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