

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7065 of 2015

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Dr. Arjun Prasad Singh Son of Sri Ram Uchit Singh Resident of Mohalla -
Ram Nagar Mirjapur (Besunpur), Police Station - Nagar Thana Begusarai,
District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Deputy Secretary, Health Department, Government of Bihar, Patna.
3. The Joint Secretary, Health Department, New Secretariat Bihar, Patna.
4. The Director, Indigenous Medicine, Health Department, New
Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Upadhyay, Adv.
For the Respondent/s : Mr. Ram Balak Mahto, AG

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-07-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner, a medical officer having completed five years period of posting at Katihar, is interested in getting a transfer from Katihar to my other place and for that purpose he has filed a representation, this Court, in view of the directory nature of the government circular laying down tenure of three years to be only 'ordinarily', is not in a position to issue any direction to the respondents to transfer the petitioner from Katihar but, then, as a model employer, the Government itself is always under obligation to look into the grievance and the requirement of the petitioner. Thus if it is found that the petitioner

has a bonafide reason for transfer as also he has completed the normal tenure of his posting at Katihar and there is no such administrative exigency which requires the petitioner to still continue at Katihar , an appropriate decision may be taken for his transfer from Katihar to any other appropriate place.

If the petitioner therefore would approach the competent authority by filing a fresh representation along with a copy of this order, an appropriate decision shall be taken at the time of consideration of next general transfer, normally to be made only in the months of May/June or November/December.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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