

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13260 of 2014

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Sidheshwar Prasad, son of late Bhattu Prasad, Resident of village - Bijokhri, P.S. and P.O. - Telhara, Distt - Nalanda, presently Honorary President, The Bihar Medical Land Public Health Employee Association.

.... Petitioner.

Versus

1. The State of Bihar.
2. The Health Minister, Govt. of Bihar, Patna.
3. The Chief Secretary, Govt. of Bihar, Patna.
4. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
5. The Principal Secretary, General Administrative Department, Govt. of Bihar, Patna.
6. The Cabinet Secretary, Govt. of Bihar, Patna.
7. The Director, Health Department, Govt. of Bihar, Patna.
8. The Secretary, Govt. of Bihar, Patna.

.... Respondents.

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Appearance :

For the Petitioner/s : M/s. Ram Chandra Singh, Jitendra Kumar Singh,
Lal Bahadur Singh, Shankar Kumar, Advocates.

For the Respondent/s : Mr. Md. Irshad, AC to SC-18

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-01-2015 Petitioner is the Honorary President of Bihar Medical and Public Health Employees Association. His grievance in this Public Interest Litigation petition is that the Respondents are not making the transfer of the employees, particularly of those, in the Public Health Department, in accordance with the norms stipulated in Memo No.434 dated 01.03.2007. It is pleaded that though the Memo dated 01.03.2007 mandates that the transfer of

the employees must be effected on completion of three years tenure at a particular place, there are instances wherein, doctors are being continued for four decades together in the same place. Appropriate directions are sought for, in this behalf.

Heard Sri Ram Chandra Singh, learned counsel for the petitioner and Sri Md. Irshad, learned counsel for the Respondents.

The basic grievance of the petitioner appears to be in relation to the transfer and posting of the Medical Officers. Being the President of the Association of the employees of the Medical Department, the petitioner cannot make grievance in relation to the transfer and posting of the Medical Officers. Secondly, the Memo dated 01.03.2007 has only prescribed the guidelines to be followed, as and when transfers are effected. By itself, the memo does not mandate that transfers must be effected, as a matter of course. Much would depend upon the necessity and expediency in the department. It is only when the transfers are effected in violation of the norms, that any affected party can seek appropriate remedy.

We find it difficult to accede the request of the petitioner to give a general direction for effecting the transfers of the Medical Officers.

This writ petition is, accordingly, dismissed.

Interlocutory Application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Rajendra Kumar Mishra, J)

P.S./-Bhardwaj

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