

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 1755 of 2015

Smt. Namita Biswas, S/o Shri Tapas Biswas, Aged 50 years, Working As - L.H.V. At Sector- Nayapara, P.H.C. Chakarbhatha, C.H.C. Belha, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur.
2. The Director, Health Services, Chhattisgarh, Indrawati Bhawan, 3rd Floor, Naya Raipur.
3. The Collector, District Bilaspur, (C.G.)
4. The Chief Medical & Health Officer, Bilaspur, District Bilaspur, (C.G.)
5. Ku. P. Soloman L.H.V. Sector - Tifra, P.H.C. Chakarbhatha, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner	Shri R. K. Kesharwani, Advocate
For Respondent/State	Shri S. Mazid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/05/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is working as Lady Health Visitor (L.H.V.) at Sector Nayapara (P.H.C.-Chakarbhatha). The respondent No.5 is also working therein on the same post. In this petition, the petitioner is

seeking a direction to the respondent No.4 for handing over the charge of L.H.V. Sector Nayapara to the petitioner.

3. It is argued that the respondent No.5 was earlier transferred from Sector Nayapara to Sector Sardha, however, the said transfer order was cancelled vide Annexure-P-1 and thus, the respondent No.5 has been retained at Sector Nayapara with a view to deny the charge of L.H.V. Nayapara Sector to the petitioner.
4. Learned counsel for the petitioner would also submit that the respondent No.5 is surplus at Sector Nayapara, yet she is allowed to continue, which is illegal and without jurisdiction.
5. In the opinion of this Court, jurisdiction under Article 226 of the Constitution of India is not available to be exercised in the matters concerning administration of an office either at district level or state level. It is for the concerned head of the administrative unit to decide about handing over of charge to a particular employee.
6. Similarly, if depending upon the volume of work, more than one employee are posted at a particular post although, only 1 sanction post is available, it is again for the administrative head to decide as to from which place, the salary of the other persons is to be drawn. The writ Court do not interfere in these matters unless any statutory right of the employee is adversely affected.
7. There is no substance in this writ petition, which fails and is hereby dismissed.

JUDGE