

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2077 of 2015**

- Ku. Saroj Chouhan, D/o Janku Ram Chouhan, age around 35 years, presently posted as Female Multi-Purpose Health Worker/ ANM, at Primary Health Centre Tuman, Block Pondi Uproda District Korba, R/o Ward No. 28, H. No. 165/K, Pondi Uproda, P.S. Pondi Uproda, District Korba (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through: The Secretary, Department of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The Collector, Korba, District Korba (C.G.)
3. The Chief Medical & Health Officer, Korba, District Korba (C.G.)
4. The Block Medical Officer, Block Pondi Uproda, District Korba (C.G.)

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****17/06/2015**

1. Petitioner is assailing the legality and validity of the order dated 18-2-2015, whereby she has been transferred from Primary Health Centre, Tuman to Sub Health Centre, Tuman.
2. Learned counsel for the petitioner would draw attention to the rationalization policy to submit that the policy has not been followed, inasmuch as health worker posted at Tuman has been shifted elsewhere but the petitioner has been sent to Sub Health Centre, Tuman. According to him, if Yashwant Kumar is retained at Sub Health Centre, Tuman, there will not be any

necessity of transferring the petitioner.

3. The impugned order has affected rationalization posting of several health workers, depending upon the need of health worker at a particular Primary Health Centre or Sub Health Centre. This Court in exercise of its power of judicial review under Article 226 of the Constitution of India cannot undertake the entire exercise of rationalization unto itself, so as to unsettle the exercise undertaken by the authorities. The policy of rationalization is not a statutory policy, but the same has been framed only for proper distribution of health workers working within the Block.
4. The impugned order is a result of an administrative exercise and this Court cannot sit over the same, as if the Court is exercising appellate power.
5. There is no substance in the writ petition, it fails and is accordingly dismissed.

JUDGE

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