

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3089 of 2015**

Dr. Rajesh Kumar Singh, S/o Late Shri Digvijay Singh, aged about 57 years, R/o 101/8, Civil Lines, Kharsiya, District Raigarh (CG)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Health, Raipur (CG)
2. Director, Public Health and Family Welfare, Raipur, CG
3. Collector, Collector Office, Raigarh, CG

---- **Respondent**

For Petitioner	: Shri Vivek Sharma, Advocate.
For Respondents	: Shri YS Thakur, Deputy Advocate General.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/08/2015

1. Learned Deputy Advocate General, on instructions, would submit that on account of the petitioner's negligence a pregnant lady died and law and order situation was created, therefore, due to acute administrative exigency, the Collector has passed the impugned order.
2. In view of the above, it would not be appropriate to keep this matter pending because this Court would not be in a position to assess the

adequacy of the administrative exigency which has necessitated the impugned transfer order. However, since the order has been passed by the Collector, who according to the petitioner, has no jurisdiction to transfer Class-2 Medical Officer in the Health Department, the writ petition is disposed of with a direction that in the event the petitioner prefers a fresh representation before the Principal Secretary/Secretary, Department of Health and Family Welfare, Government of Chhattisgarh, within a week, the said officer shall consider and decide the representation at the earliest, preferably within a period of next 15 days. However, for a period of 3 weeks from today, no coercive steps be taken against the petitioner.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve