

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2369 of 2015**

- Dr. V. A. K. Kosaria S/o Lt. Laxman Lal Kosaria Aged About 55 years Presently Posted As Block Medical Officer Saraipali, At CHC Saraipali, R/o Ward No. 3 Old Hospital Campus, Saraipali Distt- Mahasamund C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare Mantralaya, Mahandi Bhawan, Naya Raipur Chhattisgarh
2. Collector, District Mahasamund Chhattisgarh
3. Chief Medical And Health Officer, District-Mahasamund Chhattisgarh
4. Prabahri Block Medical Officer Saraipali, District Mahasamund Chhattisgarh

---- Respondents

For Petitioner	:	Shri Kishore Narayan, Advocate
For Respondents/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****07/07/2015**

1. Petitioner is a doctor, working in the CHC, Saraipali, district Mahasamund.
Giving effect to the policy of rationalization, the Collector Mahasamund has posted the petitioner in the district hospital Mahasamund, as district leprosy officer.
2. Learned counsel for the petitioner would submit that the petitioner is not coming within the zone of terms of rationalization as per the order passed by the State Government on 10-12-2014 (Annexure P-7). learned counsel would further submit that the petitioner is the office bearer of the medical

officers' association, therefore, the impugned order has been passed with mala fide exercise of powers, because the petitioner is raising the grievances of doctors posted in the district.

3. The impugned order has affected rationalization posting of ten medical officers posted within the district, depending upon the need of medical officers 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 medical officers working within the district.
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. It is not the case where the petitioner alone has been picked up for transfer in a abrupt manner just to victimize him. There is no material substantiating the allegation of mala fide.
5. Accordingly, there is no substance in the writ petition, it fails and is dismissed.

Sd/-

JUDGE

Prashant Kumar Mishra

Ashu