

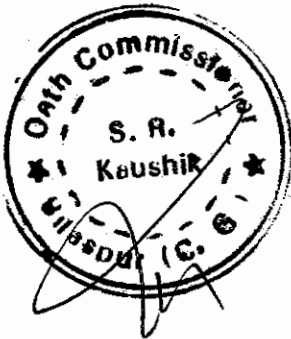
IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR(C.G.)W.P.(S) No. 206 /2015PETITIONER:

Dr. Philomina Kerketta,
 W/o Dr. R.N. Kerketta, age 47 years
 Medical Officer, District Hospital,
 Jashpur, P.S.-Jashpur, Civil & Revenue
 Distt. Jashpur, Distt.- Jashpur (C.G.)

WP(S)/206/2015
 Taken 18/9/15
 Presented by Shri. S. R. Kaushik
 dated 21/11/15

VERSUSRESPONDENTS:

1. State of Chhattisgarh
 Through the Secretary
 Department of Health of Family
 Welfare, Mahanadi Bhawan,
 Mantralaya, Post & PS Mandir
 Hasaud, Raipur (C.G.)
2. Chief Medical and Health Officer,
 District Jashpur, (C.G.)



PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF
MANDAMUS AND CERTIORARI AND FOR OTHER
SUITABLE WRITS AND DIRECTIONS:-



29

HIGH COURT OF CHHATTISGARH AT BILASPUR

SB: Hon'ble Shri Justice Pritinker Diwaker

Writ Petition (S) No. 206 of 2015

PETITIONER

Dr. Philomina Kerketta

VERSUS

RESPONDENTS

State of Chhattisgarh and
another

Shri Sanjay Agrawal, counsel for the petitioner.
Shri Adil Minhaj, P.L. for the State.

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA**

**ORDER
(23.01.2015)**

With the consent of learned counsel for the parties, the matter is heard finally.

Vide order dated 31.12.2014, the petitioner who is working as Medical Officer has been transferred from District Hospital, Jashpur, to Primary Health Centre, Aara, district Jashpur.

Counsel for the petitioner submits that the order impugned has been issued by the Chief Medical and Health Officer, Jashpur, who is not competent to issue the same. He submits that the order has been issued in the garb of rationalization policy, which provides that no Primary Health Centre be left without any Medical Officer. He submits that at the place where the petitioner has been transferred, there is already one Medical Officer. He submits that the husband of the petitioner is also Medical Officer and is working at District Hospital, Jashpur. Lastly, he submits that it is a mid-session transfer which will adversely affect the education of the children of the petitioner. After arguing all these points, counsel for the petitioner submits that at this stage he may be permitted to withdraw the writ petition with liberty to file a detailed representation before the Collector, Jashpur and in turn the Collector may be directed to decide the same expeditiously. He submits that till the representation is decided, the petitioner may be allowed to perform her duties at the present place of posting.

While opposing the writ petition, counsel for the State submits that the order impugned has been issued on the instructions of the Collector and this



it cannot be said that the same has been issued by an incompetent authority. He submits that if the petitioner wants to make any representation and the same is being decided by the Collector, the State has no objection. He, however submits that no protective order be passed in favour of the petitioner.

In the aforesaid view of the matter, the writ petition is dismissed as withdrawn with the aforesaid liberty. In the eventuality of the petitioner filing a representation before the Collector, Jashpur detailing her grievances therein along with a copy of this order and writ petition, within 10 days from today, the Collector is expected to decide the same strictly in accordance with law considering all the aspects of the case within a further period of four weeks.

It is made clear that this Court has not made any observation on the merits of the case and the Collector would be at liberty to pass the order strictly in accordance with law.

Sd/-
Pritinker Diwakar
Judge

subbu