

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3622 of 2015

- Dr. R. N. Kerketta S/o Late Matias Kerketta, Aged About 51 Years
Medical Officer Dt. Govt. Hospital Jashpur, Post & Dt. Jashpur,
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health Minister, Mahanadi
Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Collector, Jashpur, Post & Dt. Jashpur, (Chhattisgarh)
3. Chief Medical Officer, Distt. Jashpur, (Chhattisgarh)

---- Respondents

For Petitioner	Ms. I. Lakra, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

07/10/2015

1. With the consent of the learned counsel for the parties, the matter is
heard finally.
2. The petitioner, who is a Medical Officer, has been rationalized and
posted from Jashpur to Manora in the same District.
3. The order passed by the Chief Medical and Health Officer (for short
'the CMHO') refers to the State Government's directives issued on
10.12.2014 and 10.08.2015, whereby all the CMHOs have been

directed to ensure proper posting/distribution of the medical officers in every hospital of the districts.

4. The impugned order appears to have been passed in administrative exigency to ensure availability of doctors in every hospital/P.H.C., therefore, there is no scope for interference with the impugned order.
5. When the Government undertakes rationalization of employees and in that course it passes orders of posting, the said rationalization includes posting as well as transfer, because in a scheme of rationalization various aspects like need of the person, availability of work, suitability of the person in a particular posting etc. is taken care of. In that sense posting/rationalization is not by itself a transfer, but it includes an element of transfer also. The ordinary tenets of transfer appears to be included in rationalization, but the same is not only a transfer but is a posting depending upon various factors. It is not in the domain of the writ Court to decide or to embark upon judicial review to assess the legality of the exercises undertaken by the Government keeping in view its own administrative interest and the aspiration of the local populace.
6. The petitioner has not placed before this Court any such facts by which it can be demonstrated that subject rationalization is in violation of any statutory provisions or is otherwise *mala fide* in nature.
7. Accordingly, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala