

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16658 of 2016

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Rani Sinha W/o Dilip Kumar Resident of Road No.-4, Vir Kunwar Singh Colony,
Near Magadh Medical College, Gaya, P.S.- M.M. College, Gaya, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar Office at Old Secretariat, Bailey Road, Patna.
2. The Principal Secretary, Department of Health, Office at Old Secretariat Bailey Road, Patna.
3. The Director, Department of Health, Bihar, Office at Old Secretariat, Bailey Road, Patna.
4. The D.M., Gaya.
5. The Chief Medical Officer cum Civil Surgeon, Gaya, Distt- Gaya.
6. The A.C.M.O., Gaya, Distt- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dr. Shashi Shekhar Kishore, Advocate

For the Respondents : Mr. Birju Prasad, GP-13
Mr. Ashok Kumar, AC
Mr. Amresh, AC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-12-2016

Heard counsel for the petitioner and counsel for the

State.

There was some kind of a mistake committed by the

respondents by including the name of the petitioner in the list of

candidates, who had desired transfer, therefore were transferred.

However, when this fact was noticed soon after the notification dated

28.06.2016, a rectification order dated 04.07.2016 was issued

clarifying the position.

This aspect of the matter emerges from Annexure-A to



the counter affidavit, which is dated 04.07.2016.

Writ application of the petitioner was filed on 29.09.2016, in which no mention has been made with regard to Annexure-A dated 04.07.2016. Obviously, there was an effort on the part of the petitioner to mislead the Court as to the actual state of affairs and, therefore, conduct of the petitioner is reprehensible. Petitioner has stayed at the place of posting for more than four years and the transfer of an employee is required to be effected every three years. There is nothing more in the transfer of the petitioner.

So far as husband of the petitioner is concerned, he is posted at Gaya for the last 26 years. The Civil Surgeon may consider whether the husband of the petitioner is required to be moved too. The Court will not interfere with the order on the ground that husband is posted at Gaya. The husband has overstayed his stay at one station.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.12.2016
Transmission Date	N/A

