

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1668 of 2012

IN

Civil Writ Jurisdiction Case No. 6077 of 2010

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1. Indu Bala Bharti W/O Bhim Prasad Singh Resident Of Narayanpur, P.O. And P.S. Sultanganj, Distt.- Bhagalpur, At Present Posted As A.N.M. Health Sub Centre, Narayanpur, Sultanganj, Block Bhagalpur

.... Appellant/s

Versus

1. The State Of Bihar, Through The Secretary, Health Department, Government Of Bihar At Patna
2. The Secretary, Health Department, Govt. Of Bihar, Patna
3. The Director-In-Chief, Health Services, Govt. Of Bihar, New Secretariate At Patna
4. The Regional Deputy Director, Health Services Govt. Of Bihar, Bhagalpur Division, Bhagalpur
5. The Civil Surgeon-Cum-Chief Medical Officer, Bhagalpur
6. The Incharge Medical Officer, Referral Hospital Sultanganj, Bhagalpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. BIRENDRA NATH MISHRA,ADVOCATE

For the Respondent/s : Mr. PRAVIN KUMAR VERMA,AC TO SC26

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 08-03-2016

As in the past so also today no one appears on behalf of the appellant. Learned counsel for the State is present. He points out that the writ petition, being C.W.J.C.No. 6077 of 2010, was filed by the appellant, challenging the order dated 18-12-2009 by which she had been transferred outside the District of Bhagalpur. Her plea was that she being of a District Cadre, the Director-in-Chief, Health Services, could not have transferred her to another District, and the



transfer was punitive. By order dated 21-5-2010 passed in the writ petition, being C.W.J.C.No. 6077 of 2010, the said transfer order was stayed. But, ultimately the learned Single Judge, noticing the authority of the Director-in-Chief, Health Services, and the reason for inter-District transfer, the writ petition was dismissed on 13-2-2012 with liberty to the writ petitioner to join the transferred place of posting forthwith, and if she fails to join within one month, a departmental proceeding be initiated against her. Being aggrieved by this order, the present appeal has been filed.

2. On several dates when the appeal was called out for hearing, the appellant was missing. On the last occasion on 25-2-2016 this Court was informed by learned counsel for the State that in spite of the order dated 13-2-2012 passed by this Court, she had not obeyed the transfer order, even though almost four years have gone by. We wanted to know whether a departmental proceeding has been initiated against her or not pursuant to the direction of the learned Single Judge. Information is not forthcoming.

3. However, in view of the aforesaid, we are not inclined to wait for the information, or to go into the merits of the case at all. We may also add that the writ petitioner was rightly transferred from the District, and in spite of liberty having been granted to join within one month of the order of this Court, she had not joined. Having failed

that liberty, the order of the learned Single Judge regarding initiation of a departmental proceeding would become operative. Needless to say that pursuant to the order of transfer, which order has been upheld by this Court, she not having joined at the transferred place of posting, it would for the State to decide whether she is entitled to any remuneration for the period aforesaid as well, apart from facing disciplinary proceeding for non-compliance of the order binding on her.

4. With these observations, this appeal is dismissed.

(Navaniti Prasad Singh, J)

B.K.Roy/-

(Nilu Agrawal, J)

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