

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 125 of 2016**

Dr. Nishant Sori S/o M.S. Sori, Aged About 30 Years R/o Street No. 2F, Pragati Nagar, Durg, District Durg (Chhattisgarh), Posted At CHC Manpur, District Rajnandgaon, (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Health & Public Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. Under Secretary, Health & Public Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
3. Chief Medical And Health Officer, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
4. Dr. Budheshwar Verma, Medical Officer, C.H.C. Ambagarh Chowki, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)

---- Respondents

For Appellant	: Shri T.K. Tiwari, Advocate.
For Respondent/State	: Shri R.K. Gupta, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****31/03/2016**

1. The office has raised an objection to the maintainability of this appeal on the ground that no appeal is maintainable against an interlocutory order under proviso to Section 2 of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006.
2. Learned Counsel for the Appellant submits that Appellant filed Writ Petition (S) No.448 of 2016 assailing his transfer from Community Health Center, Manpur to Ambagarh Chowki by order dated 31.12.2015 on grounds as mentioned

therein. The Learned Single Judge has admitted the application for hearing and rejected the prayer for interim relief. Thus this appeal. Relying on AIR 1977 SC 2185 (Amar Nath v. State of Haryana) it is submitted that if the interlocutory order decides certain rights of the parties it loses its status as an interlocutory order as it becomes final for that purpose and thus the appeal would be maintainable.

3. We have considered the submissions on behalf of the Appellant.

4. Amar Nath (supra) concerned interpretation of the words "interlocutory order" in the context of Section 397(2) CrPC. In that context it was held that the order summoning a person was final adjudicatory order with regard to compelling a person to face a criminal trial.

5. A judgment is an authority for what it decides under a particular law in the facts of that case. A judgment is not a proposition for all purposes devoid of the law and the facts involved therein. No judgment can be interpreted in a truncated manner by culling out a line from the same torn out of context. What may be good law under the CrPC may not necessarily be a good law for interpretation of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006. The provisions of the Act did not fall for consideration in Amar Nath (supra).

6. The office objection is upheld. The appeal is dismissed as not maintainable. Let this order be brought to attention of the stamp reporter also.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE