

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11323 of 2017

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Kiran Kumari wife of Ajit Kumar Kaushal, resident of Mohalla- Kumar Colony,
P.S.- Kotwali, Thana, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Bihar, Patna.
3. The Director in Chief, Department of Health, Bihar, Patna.
4. Regional Deputy Director, Health Services, Magadh Division, Gaya.
5. Civil Surgeon, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. BIRJU PRASAD-GP13

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 07-09-2017

Heard learned counsel for the petitioner and learned A.C.
to G.P.-13.

The petitioner seeks quashing of Memo No. 829 (4) dated 20.08.2015 issued by the Director in Chief, Health Service, Bihar, Patna by which all transfer orders issued by the Civil Surgeon, Gaya since August 2014 has been cancelled. The petitioner by a subsequent consequential order dated 30.11.2015 has been directed to give her joining to her earlier post where she was posted as A.N.M at Maigera, Dumaria.

Learned counsel for the petitioner submits that she joined as A.N.M. under the Civil Surgeon, Maigera, Dumaria with effect



from 13.06.2011 thereafter due to family problems she filed a representation before the Civil Surgeon-cum-Chief Medical Officer, Gaya for her transfer which was accepted and she was posted at Health Sub Centre, Ore (Belaganj) vide Memo No. 301 dated 23.01.2015 and her transfer has been approved by the Regional Deputy Director, Health Services, Magadh Division, Gaya vide Memo No. 105 dated 03.02.2015. However, the matter of posting by the then Civil Surgeon was enquired by the respondent authorities and all the transfer orders affected with effect from August, 2014, has been cancelled by the Director in Chief, Health Services, Bihar Patna by Memo No. 829 (4) dated 20.08.2015 and by order dated 30.11.2015 the petitioner along with other A.N.Ms. by letter no. 672 dated 30.11.2015 has been directed to join her previous place of posting at Maigra, Dumaria. Counsel for the petitioner submits that the earlier transfer was affected due to health grounds of mother-in-law and again a representation has been filed by the petitioner before the Civil Surgeon-cum-Chief Medical Office, Gaya for consideration which is Annexures-7 and 8 to the present application which are not being disposed of by the respondent authorities.

Considering the facts and circumstances of the case, this writ application is disposed of with a direction to the respondent no. 5 to consider the representation of the petitioner and dispose of within a



period of four weeks considering the fact that the petitioner has already worked in her previous place of posting for more than three years and her transfer was approved by the Regional Deputy Director, Health Services, Magadh Division, Gaya.

The writ application is, accordingly, disposed of.

(Nilu Agrawal, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.09.2017
Transmission Date	

