

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14713 of 2017

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Lalsa Sinha wife of Dr. Bikash Kumar Sinha, Resident of Mohalla - Sri Sai Hospital, M.G. Road, New Area, Ward No. 5, Police Station - Aurangabad (Town), District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Civil Surgeon-cum-Chief Medical Officer, District - Aurangabad.
4. The Superintendent, Sadar Hospital, District - Aurangabad.
5. Dr. Meena Roy, Lady Medical Officer at present posted at Referral Hospital, Haspura, District - Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharad Kumar Sinha, Adv.
Mr. Amit Kumar Anand,
Mr. Vinay Ranjan, Adv.

For the Respondent/s : Mr. Shashi Shekhar Kr. Pd., AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-11-2017

Heard Mr. Sharad Kumar Sinha, learned counsel appearing for the petitioner and counsel for the State.

The petitioner has been transferred from Sadar Hospital, Aurangabad to Referral Hospital, Navi Nagar in the district of Aurangabad and in her place the person at serial no.2 Dr. Meena Roy has been directed to join the Sadar Hospital, Aurangabad.

The issue raised by Mr. Sinha, learned counsel appearing for the petitioner to contest the transfer is, that a qualification is a necessary factor for posting of a doctor in a particular hospital. According to Mr. Sinha since Sadar Hospital is the main hospital in the district, the petitioner having higher qualification should have been allowed to continue. According to Mr. Sinha, the successor of the petitioner is not as qualified as the petitioner rather is much junior to her. He refers to a



resolution of the Health Department bearing Memo No.1464(2) dated 22.8.2008 at Annexure 2 and with reference to paragraph (¶) at page 13 of the proceeding he submits that the State has accepted that qualification would be a necessary factor for posting of a doctor in a particular hospital. He submits that a representation has been filed by the petitioner in this regard before the Civil Surgeon –cum- Chief Medical Officer, Aurangabad at Annexure 5 and which would require a disposal in the light of the stipulations present at paragraph (¶) of the resolution of the Health department dated 22.8.2008 at Annexure 2.

Having heard learned counsel for the parties and considering the submissions I deem it proper to dispose of the writ petition with a direction to the Civil Surgeon cum Chief Medical Officer, Aurangabad to consider the representation of the petitioner at Annexure 5 and dispose of the same in accordance with law within two weeks from the date of receipt/production of a copy of this judgment with equal opportunity to the petitioner as well as the person who has succeeded the petitioner at Sadar Hospital, Aurangabad bearing in mind the stipulations present in paragraph (¶) of the resolution of the Health Department at Annexure 2 as well as the issue raised.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27-11-2017
Transmission Date	NA

