

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20554 of 2016

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Manisha Kumari, Wife of Sri Kumar Shiv Sharan Bharti, Resident of
Mohalla- Bidyapuri, Ward No.2, Gajan Chauk, P.S. and District-
Supaul. Petitioner.

Versus

1. The State of Bihar.
 2. The Principal Secretary, Health Department, Government of Bihar,
Patna.
 3. The Director in Chief, Health Services, Health Department,
Government of Bihar, Patna.
 4. Regional Deputy Director, Health Department, Koshi Division,
Saharsa.
 5. The Commissioner, Koshi Division, Saharsa.
 6. The District Magistrate, Supaul.
 7. The Civil Surgeon cum Chief Medical Officer, Supaul.
 8. The In-charge Medical Officer, Primary Health Centre, Sadar
Prakhand, Supaul. Respondents.
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Appearance :

For the Petitioner : Mr. Satish Chandra Jha-3, Adv.
: Mr Ram Naresh Jha, Adv.
For the Respondents: Mr. Vikas Kumar, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-01-2017

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by order dated 12.05.2016, as contained
in Annexure-1 issued by the Civil Surgeon-cum-Chief Medical Officer,
Supaul transferring about 22 persons from their respective places to the
new places mentioned therein.

The petitioner is ANM and she was posted at Primary Health
Centre, Supaul from there she has been transferred to Primary Health
Centre, Triveniganj in the same district.

It is contended on behalf of the petitioner that this transfer is bad



as the same has not been passed after approval of transfer of the competent authority and in consonance with Annexure-2 and Annexure-3 which are the guidelines for such transfer issued by the competent authority. It is further contended that the transfer order has been passed on 12.05.2016 itself whereas no transfers are to be done in the month of June. Though transfer is not barred at any point of time for administrative exigencies or in public interest but no such reason has been assigned in the transfer order. It is also contended that earlier transfer order was issued on 24.04.2016 but that was stayed at the instance of the District Magistrate, Supaul. It is further contended that even out of 22 persons who have been transferred vide Annexure-1, transfer of one ANM namely Smt. Lalita Poddar has been recalled.

Per contra, learned counsel appearing for the State has submitted that transfer order has been passed after approval of the District Establishment Committee as the transfer is within the District itself and the reason for transfer is well written in the transfer order itself. The persons who have been transferred had remained at their place of posting for nine years or more. It is also contended that petitioner is trying to mislead this Court by drawing attention towards Annexure-7 as transfer of Lalita Poddar has not been stayed rather her place of posting has been changed. Lalita Poddar was earlier working at Primary Health Centre, Pipra and she was transferred to Primary Health Centre, Nirmali. Now, after considering her representation, the place of posting has been changed from Nirmali to Supaul.



I find force in the submission made on behalf of learned counsel appearing for the State. Petitioner admittedly remained posted for more than nine years at one place and it was high time for the competent authority to transfer her at some other place. This Court does not see any discrepancy in the transfer order contained in Annexure-1 as the reason has been assigned that all the persons were posted at the concerned place for nine years or more, therefore, they were being transferred. This Court does not find any reason warranting interference in the same.

As a result, this writ petition is dismissed.

However, this order would not come in the way of the petitioner in representing before the District Magistrate, Supaul in taking a decision on its own merit if a representation is filed within two weeks. In such situation, let the same be disposed of within a further period of three weeks. However, the petitioner’s representation would be considered only after her joining at the new place of posting.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

