

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.375 of 2016

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1. Kumari Asha wife of Sri Upendra Prasad Chaurasia, resident of Quarter No.20, P.M.C.H. Campus, Patna, P.S. Pirbahore, Town & District Patna.
 2. Hira Kumari wife of Sri Surendra Prasad Sharma, resident of Nurses Hostel, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 3. Mithilesh Kumari wife of Sri Subhash Prasad Sharma, resident of R.S.B. Hospital, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 4. Asha Kumari III, wife of Late Birendra Choudhary, resident of Nurses Grade A Hostel, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 5. Suchitra Kumari wife of Sri Krishna Prasad, resident of Nurses Hostel, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 6. Usha Kumari Singh, wife of Uma Kant Sharma, resident of Nurses Hostel, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 7. Meena Kumari-06, wife of Sri Mahesh Singh, resident of Mohalla Bhikhna Pahari, P.S. Pirbahore, Town & District Patna.
 8. Shashi Bala Sinha, wife of Sri Mahesh Singh, resident of Nurses Hostel, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 9. Mandavi Kumari wife of Sri B.N. Singh, resident of Mohalla Gaighat, P.S. Alamganj, town and District Patna
 10. Amanda Kumari wife of Sri Ramanuj Rai, resident of Nurses Hostel, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 11. Gayatri Kumari wife of Sri Madan Mohan Prasad, resident of Mohalla-Maharani Colony, Agamkuan, Patna, P.S. Bypass, town and District Patna
 12. Suchita Kumari Sinha, wife of Sri Kamlesh Kumar resident of Mohalla Sachiwalay Colony, P.S. Patrakarnagar, Town and District Patna
 13. Amita Kumari wife of Sri Subhash Rai, resident of Nurses Hostel, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 14. Kiran Kumari IV, wife of Sri Narsingh Sah, resident of New Paricharika Awash, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.
 15. Indu Kumari III, wife of Sri Tribhuwan Singh, resident of A Grade Hostel, P.M.C.H., Patna, P.S. Pirbahore, Town & District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. Director in Chief (Nursing), Health Services, Bihar, Patna.
3. Superintendent, Patna Medical College Hospital, Patna

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 1266 of 2016

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1. Rekha Kumari wife of Sri Nawal Kishore Yadav, resident of Nurses Quarter, P.M.C.H., P.S. Pirbahore, Town & District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,



Government of Bihar, Patna
2. Director in Chief (Nursing), Health Services, Bihar, Patna.
3. Superintendent, Patna Medical College Hospital, Patna.

.... Respondent/s

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Appearance :

(In CWJC No. 375 of 2016)

For the Petitioner/s : Mr. Shiv Kumar, Adv.

For the Respondent/s : Mr. Kinkar Kumar, S.C.27

(In CWJC No. 1266 of 2016)

For the Petitioner/s : Mr. Shiv Kumar, Adv.

For the Respondent/s : Mr. Prasoon Sinha- GA2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-04-2017

Heard learned counsel for the parties.

The legal issue raised cannot be contested for no one can be sent on deputation outside his/her cadre without his/her consent.

In the present case admittedly, the petitioners who are Grade- A nurses posted in the Patna Medical College and Hospital are being sent on deputation as 'Nursing Tutor' in their own pay scale, to different ANM/ GNM Training Centres across the State. It is taking note of the situation that a Bench of this Court vide order passed on 13.1.2016 while requiring an answer from the State, stayed the operation of the order of deputation impugned at Annexure-1 dated 5.12.2015 as well as the relieving order dated 18.12.2015 at Annexure-2.

Although the legal position in this regard is well settled but for the sake of convenience ready reference is made to the judgment of



the Supreme Court reported in **(1997) 8 SCC 372 (State of Punjab and Ors. vs. Inder Singh and Ors.)** and **(1999) 4 SCC 659 (Umapati Choudhary vs. State of Bihar Anr.)**.

For the reasons discussed and the law settled in the judgment referred to above, the deputation order 5.12.2015 impugned at Annexure-1 along with relieving order dated 18.12.2015 impugned at Annexure-2 are quashed and set aside.

The writ petitions are allowed.

The interim order dated 13.01.2016 is confirmed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	17.04.2017
Transmission Date	NA

