

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14726 of 2016**

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Dr. Arvind Kumar Son of Late Devendra Sharma resident of village - Sabdalpur,  
P.O. + P.S. Kachanama, District Jehanabad Presently Posted as Medical officer at  
Primary Health Centre, Banma Etahri, District Saharsa

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,  
Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Director - in - Chief, Health Services, Government of Bihar, Patna
4. The Regional Director of Health Services, Koshi Division, Saharsa
5. The Civil Surgeon - Cum - Chief Medical officer, Saharsa

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar, Adv.  
Mr. Pramod Mishra, Adv.

For the Respondent/s : Ms. Shama Sinha, AC to AAG9

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 01-07-2017**

Heard learned counsel for the parties.

The grievance of the petitioner is that he remains posted at  
the Primary Health Centre, Banma-Etahri, in the district of Saharsa  
since last 14 years.

A counter affidavit is filed on behalf of respondent no.5, i.e.  
Civil Surgeon cum Chief Medical Officer, Saharsa and at paragraph 3  
he submits that since the cadre of Medical Officer is a State Cadre,  
hence he is not competent to transfer from Saharsa.

The petitioner holds the post of Medical Officer and as  
stated above, continues to remain posted at Primary Health Centre,  
Banma-Etahri, Saharsa since last 14 years.



Mr. Arun Kumar, learned counsel for the petitioner, has drawn attention of this Court to a representation filed in this regard before the Principal Secretary, Health Department on 3.6.2016, a copy of which is present at Annexure 5, to submit that a period of more than a year has lapsed but no order has been passed thereon.

Having heard learned counsel for the parties and considering the reasonable prayer made by the petitioner and taking note of the representation pending before the Principal Secretary, Health Department, I deem it proper to dispose of this writ petition with a direction to the Principal Secretary, Health Department to consider the prayer made by the petitioner as reflected in his representation present at Annexure 5 and dispose of the same in accordance with law within a period of six weeks from the date of receipt/ production of a copy of this order.

The writ petition is disposed of with the aforementioned directions.

**(Jyoti Saran, J)**

Surendra/-

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