

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15987 of 2017

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Dr. Satyajit Kumar Priyadarshi, Son of Late Dr. Bimal Kumar, Resident of Kali Mandir Road Haveli Kharagpur, P.O.+P.S.-Haveli Kharagpur, District-Munger, PIN-811213.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department Govt. of Bihar, Patna.
3. The Director-in-Chief, Health Services, Govt. of Bihar, Patna.
4. The Special Secretary, Health Department, Govt. Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Mayanand Jha, Adv.

Mr. Giridhar Gopal Tiwary, Adv.

Mr. Dharmendra Kumar, Adv.

For the Respondent/s : Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-11-2017

Heard the parties.

The petitioner is aggrieved by the notification bearing Memo No.567 (2) dated 30.6.2017 in so far as it transfers the petitioner whose name appears at serial no.22 from Primary Health Centre, Jhajha in the district of Jamui to the Primary Health Centre, Suryagarha in the district of Lakhisarai.

The petitioner joined the service on 16.5.2016 and was posted at Primary Health Centre, Jhajha in the district of Jamui and it is the grievance of the petitioner that within one year of his posting at Jamui he is being transferred to Lakhisarai.

Dr Jha, learned counsel appearing for the petitioner in reference to a representation of the petitioner at Annexure 3 has submitted that much prior to the issuance of the transfer order that the petitioner had represented before the Principal Secretary, Health Department for a compassionate consideration of his case as a cancer patient as well as



suffering of his mother for posting in his home district at Munger from Jamui but instead the petitioner has been transferred to Lakhisarai. It is submitted that the petitioner has renewed his request for transfer to Primary Health Centre, Tetia Bambar in the district of Munger on 10.7.2017 soon after the transfer order was passed together with the enclosures which has remained pending.

Having heard learned counsel for the parties and considering the difficulty faced by the petitioner undergoing treatment as a cancer patient and considering that within one year of his posting at Jamui he is being transferred not at his place of request made vide representation dated 29.11.2016 at Annexure P/3 rather he has been transferred to Lakhisarai, the request of the petitioner requires consideration. Accordingly the Principal Secretary, Health Department, Government of Bihar, Patna is directed to consider the request of the petitioner made vide representations dated 19.11.2016 and 10.7.2017 at Annexures P/3 and Annexure P5/1 and dispose of the same in accordance with law within a period of four weeks from the date of receipt/production of a copy of this judgment.

Until such disposal, let status-quo as existing today prevail.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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