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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1312 of 2017**

- Dr. Govind Singh S/o Late Ramcharan Singh Aged About 57 Years Working As Medical Officer At Community Health Center Wadrafnagar, P.S. Basantpur, Tahsil- Wadrafnagar-District- Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through: Secretary, Department of Health And Family Welfare Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh
2. The Collector, Balrampur-Ramanujganj, District, Chhattisgarh
3. The Chief Medical And Health Officer, District Balrampur-Ramanujganj Chhattisgarh
4. Dr. Deep Kumar, Presently Working As Block Medical Officer At Community Health Center Wadrafnagar, P.S. Basantpur, Tahsil Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Vikash Pandey, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****12/04/2017**

1. Petitioner is aggrieved by the order Annexure P-1 whereby Dr. Deep Kumar, Medical Officer, District Hospital, Balrampur has been handed over charge of Block Medical Officer, Wadrafnagar, District Balrampur.
2. This petition was entertained and the respondents were directed to obtain instructions and submit return for the reason that the petitioner is senior to Dr. Deep Kumar, who has been handed over charge of BMO, therefore, the

petitioner is compelled to work under his junior.

3. Learned State counsel would submit that in the circular dated 23.07.2008 instructions have been issued to hand over the charge of the office of BMO to senior officer, however, in subsequent circular dated 04.08.2011 it is clearly mentioned that while handing over current charge of any office, the principle of seniority-cum-suitability be applied, therefore, in the present case, while assigning current charge to Dr. Deep Kumar, the entire ground situation prevailing in the concerned block has been considered and a conscious decision has been taken by the concerned Collector, which may not fall within the realm of judicial review under Article 226 of the Constitution of India.
4. It appears, the petitioner was not showing keen interest to manage the affairs of office of block medical officer. On 07.05.2016 he was posted as District Malaria Officer, however, despite being relieved, he did not join in the office of District Malaria Officer and refused to accept the relieving order also. The petitioner proceeded on leave and submitted application for earned leave from 06.06.2016 to 30.06.2016. The application was rejected and the said rejection was informed to the petitioner, but he refused to accept the intimation. The Collector thereafter recommended enquiry against the petitioner.
5. Considering the material placed by the respondent State before this Court and for the fact that the impugned order of handing over charge of the office of BMO to Dr. Deep Kumar is purely administrative in nature being duly supported by grounds which are not extraneous but germane to the situation prevailing in the health department of the concerned district, it cannot be said that the impugned order is mala fide or arbitrary. In matters which are

purely administrative in nature, writ Court should not interfere unless it offends established norms for exercise of power of judicial review. If the authority has power and jurisdiction to pass the impugned order, this Court would be concerned about the decision making process rather than the decision itself. The said decision making process having not been found to be suffering from any extraneous factors, no interference with the administrative decision of the respondent is called for.

6. Before parting, the reliance placed by learned counsel for the petitioner to the order passed by co-ordinate Bench in **Shrawan Kumar Singh Vs. State of Chhattisgarh and Ors {WPS 35/2013}** needs reference. In the said order junior who was handed over charge was less qualified and moreover no administrative exigency was placed before this Court which could have compelled to take a different view of the matter. The matter is thus clearly distinguishable.
7. Accordingly, the writ petition is dismissed.

Sd/-

Judge
Prashant Kumar Mishra

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