

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12973 of 2018

Arjun Prasad Rai, son of Sri Basawan Rai, Resident of Village Lalpura, P.S. Bhagwanpur, Dist. Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
4. The Director-in-Chief, Health Services, Govt. of Bihar, Patna.
5. The Regional Additional Director, Health Services, Tirhut Division, Muzaffarpur.
6. The Civil Surgeon-cum-Chief Medical Officer, Vaishali at Hazipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Adv.
For the Respondent/s : Mr. Birju Prasad- GP13

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 01-08-2018

Heard learned counsel for the parties.

In this case, the petitioner is challenging the transfer order contained in Memo No. 944 dated 29.5.2018 issued by the Civil Surgeon cum Chief Medical Officer, Vaishali at Hazipur whereby and whereunder the petitioner has been transferred from the post of Head Clerk in the Civil Surgeon Officer, Hazipur to the post of Clerk in the Primary Health Centre, Bhagwanpur.

It appears that not only the petitioner has been transferred but, group of persons, posted at different places, having been transferred on the ground of completion of tenure of three years. The grievance has been raised by the petitioner that he was asked to discharge the duty of Head Clerk vide Memo No. 1889 dated 26.10.2012 which was confirmed by the Regional Deputy Director,



Health Services, Tirhut Division vide Memo No. 201 dated 29.3.2014 and, whereafter, he has been transferred thereby demoted to the post of Clerk.

This has been disputed by the learned counsel for the State making a submission that the petitioner was never promoted on substantive basis to the post of Head Clerk but, for a fortuitous circumstances, on the ground of retirement of the then Head clerk, as the petitioner was the senior most, he was made In-charge and posted there to discharge the duty of Head Clerk.

The petitioner has not denied this fact that he has never been promoted to the post of Head Clerk on substantive basis. In such circumstances, this Court does not find any substance to interfere with the order of transfer. However, the petitioner will be at liberty, if he desires, may file a representation before the appropriate authority who will examine the claim of the petitioner and will take a decision in accordance with law.

With the aforementioned observation and liberty, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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