

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17902 of 2017

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1. Fazal Ahmed Raza S/o Md. Hasnain R/o Village - Chatarghat, PS - Chandaoti, District - Gaya, at present posted as Civil Surgeon, Gaya in the office of Civil Surgeon, Gaya.
 2. Yashmin Akhtar S/o Late Sakil Akhtar R/o village - Amraha, P.S. - Chakand, District - Gaya at present posted as Civil Surgeon in the office of Civil Surgeon, Gaya.
 3. Adil Akhtar S/o Late Akhtar Ahmed R/o Mohalla - Murarpur, P.S. - Kotwali, District - Gaya at present posted in Jai Prakash Narayan Hospital, in the district - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar, Patna.
2. Commissioner, Magadh Division, Gaya.
3. Commissioner, Magadh Division Gaya cum 1st Appellate Authority (Public Grievance Redressal), District - Gaya.
4. Civil Surgeon cum Chief Medical Officer, Gaya, District - Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Adv. Mr. Arvind Kumar Sharma, Adv. Ms. Kumari Neha, Adv. Ms. Ritika Rani, Adv. Mr. Vijay Kumar Vimal, Adv.
For the Respondent/s	:	Mr. Aditya Nath Jha, AC to SC-18

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 23-07-2018

Heard learned counsel for the petitioners and counsel
for the State.

In this case, the petitioners are praying for quashing the transfer order contained in Memo No. 3759, Gaya dated 6.11.2017 by which the petitioner no.1 has been transferred to Primary Health Center, Wajirganj, petitioner no.2 has been transferred to Primary Health Center, Nagar Prakhanda and the petitioner no.3 has been transferred to Primary Health Center, Palanki (Konch).



Learned counsel for the petitioners submits that the petitioner no.1 had joined the post in the office of Civil Surgeon, Gaya on 11.7.2017, the petitioner no.2 had joined on 5.7.2013 and the petitioner no.3 had joined the post on 3.8.2012 and by this impugned order, they have been transferred to the respective places as aforesaid and, in pursuance thereof, they have been relieved vide Memo No. 3791 dated 11.11.2017 and they have joined at their new place of posting.

Learned counsel for the petitioners submits that this exercise has been conducted in view of the complaint received against Braham Prakash who had remained there for a quite long period and, on that basis, a direction was issued by the Commissioner, Magadh Division to undertake an exercise of transfer and, that transfer order was subject matter of C.W.J.C. No. 15067 of 2017 and the transfer order passed against Braham Prakash has been set aside by this Court. It has also been submitted that the transfer order passed against Ajay Kumar was also challenged before this Court in C.W.J.C. No. 17231 of 2017 which was also quashed by this Court.

The case of the petitioner is identical to the case of Braham Prakash (supra) and Ajay Kumar (supra) and, thus, the



present case will also be governed by that judgments passed in the aforesaid cases.

As the petitioners have already joined the new place of posting, let the petitioners should file a representation along with a copy of this order as also the orders passed by this Court in the aforesaid two cases and the same will be considered by the competent authority. While considering the grievance of the petitioners, if it is found that the case of the petitioners is identical to the aforesaid two cases, the petitioners must also be given the same relief.

If the petitioners files their respective representations along with a copy of this order before the competent authority, he will dispose of the same within a period of four weeks from the date of filing of the representation by the petitioners.

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

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2018
Transmission Date	NA

