

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16598 of 2018

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Wasi Ahmad S/o Md. Idris R/o Vill +P.O.- Tisi Narsam House No. 2, P.S.-
Bisfi (Patauna O.P.), Distt. Madhubani, State Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Personnel Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Health Department, Govt. of Bihar.
4. The Special Secretary, Govt. of Bihar, Patna.
5. The Director, Aayush Chikitsa Directorate, Bihar, Patna.
6. The Deputy Secretary (In Charge Section-16) Health Department, Govt. of Bihar, Patna.
7. The District Indigenous Medical Officer, Darbhanga, Distt. Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the Respondent/s	:	Mr. Rajeshwar Singh- GA-10
		Mr. Manoj Kumar Yadav, A.C. to G.A.-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 21-12-2018

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

2. In this case, the petitioner is challenging the order dated 27.06.2018 (Annexure-2), whereby and whereunder the petitioner, whose name is standing at item no.17, has been transferred from District Joint Hospital, Darbhanga, to Government Hospital, Patna.

3. The petitioner has raised a very pertinent question in the present case that earlier the Class-III employees were treated to be the State Level Services and vide Notification



no.707 dated 28.05.2018, looking to the difficulty the Class-III employees were facing, it was decided to be the District level cadre and accordingly, the allotment was to be made by the Committee to each district looking to the requirement of that district.

4. Admittedly, the petitioner is working on the post of Unani Compounder in the District Joint Hospital, Darbhanga, which is a class-III post and after this Notification the Committee has transferred the services of the petitioner from District Joint Hospital, Darbhanga, to Government Hospital, Patna.

5. Learned counsel for the petitioner further submits that instead of resolving the problem in fact, it has been enhanced, as he has been working at Darbhanga since long and he has been uprooted from there and wanted to plant him at Patna, causing great financial inconvenience to run the family at Patna, where the cost of living is higher than that of Darbhanga.

6. The Government has taken policy decision to treat class-III employees as District Cadre Level looking to the difficulty faced by them. When the petitioner has been working at Darbhanga district, then there is no need to uproot him from



the district of Darbhanga and plant him at Patna. It does not stand to the reason why the petitioner has been sent to Patna. Darbhanga district is convenient for the petitioner in the manner of running his family as well as he has already settled at Darbhanga and his family members must be enjoying at Darbhanga and suddenly he has been transferred from Darbhanga to Patna, it will cause great difficulty in running the entire family by the petitioner. Further, only one and half years of service is left for his superannuation and as per the Government Policy if the superannuation is left for one year, the choice of posting would to given.

7. In such view of the matter, the order of transfer dated 27.06.2018 is quashed with respect to the present petitioner.

8. Accordingly, this writ petition is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	22.12.2018
Transmission Date	

