

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13381 of 2018

1. Bihar State Non Gazetted Employees Federation (Sevanjali), Kedar Bhawan, Amarnath Road, Patna-1, through its Joint Secretary, Meena Manjari, wife of Ram Nand Rai, resident of Village-Chitnaur, P.S.-Matihani, District-Begusarai, at present working as A.N.M., Primary Health Centre, Suryagarha, P.S.-Suryagarha, District- Lakhisaria.

2. Lalita Kumari, wife of Arjun Prasad, resident of village- Suryagarha, P.S.-Suryagarha, District- Lakhisara, at present working as A.N.M., Health Sub-Centre, Adupur, Suryagarha, District- Lakhisara.

... .. Petitioners

Versus

1. The State of Bihar

2. The Principal Secretary, Department of Health, Government of Bihar, Patna.

3. The Director-in-Chief, Health Department, Government of Bihar, Patna.

4. The Commissioner, Munger Division, Munger.

5. The Collector, Lakhisara.

6. The Civil Surgeon-cum-Chief Medical Officer, Lakhisara.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate
For the Respondent/s	:	Mr. Nagendra Pd. Yadav, SC-23

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 02-08-2018

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

In this case, the petitioners are challenging their
order of transfer, making serious allegation that new incumbent
has passed the anti-dated transfer order as the order of transfer is
dated 30.06.2018, whereas it has come on the Website on
05.07.2018 at 3:22 pm. He further submits that the



establishment Committee has no jurisdiction to look into and pass the order of transfer, but it is only the Civil Surgeon, in a proper case, can pass the order of transfer. Further, allegation has been made that while passing the transfer order the authority has adopted pick and choose policy.

Learned counsel for the petitioner next submits that a representation has been filed by the petitioners, bringing all the facts to the notice of the competent authority.

In such view of the matter, let the Principal Secretary, Health Department, Government of Bihar, Patna, consider the facts mentioned in the representation filed by the petitioner and pass appropriate order in accordance with law within a period of four weeks from the date of receipt/production of a copy of this order.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	06.08.2018
Transmission Date	N/A.

