

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2979 of 2018

Dr. Bhavna Royzada W/o Dr. Avijit Royzada Aged About 43 Years
Posted As Associate Professor , Department Of Anesthesia,
Chhattisgarh Institute Of Medical Science , Bilaspur District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Health And Family Welfare Mahanadi Bhawan Mantralaya , Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Medical Education Government Of Chhattisgarh District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Committee Of Senior Secretaries Through The Secretary Department Of General Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Dr. Rakesh Kumar Nigam Associate Professor, Department Of Anesthesia , Government Medical College Ambikapur District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. Medical Council Of India , Aiwan - E - Galib Marg Kotla Road , New Delhi - 110002, District : New Delhi, Delhi

---- Respondents

For Petitioner	:	Mr. Jitendra Pali, Advocate.
For Respondent No. 5	:	Mr. R. S. Marhas, Advocate.
For State	:	Mr. Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

12/04/2018

1. The petitioner has filed this petition aggrieved by rejection of her representation after a direction was issued by this Court for consideration of the representation.

2. Learned counsel for the petitioner submits that while petitioner remained posted at the present place, the transfer to Ambikapur was earlier challenged on the ground that petitioner is suffering from acute heart ailment and has undergone various interventionary procedure for saving her life and posting of the petitioner at Ambikapur would be risking her life for want of requisite medical facility. However, while deciding the representation, that ground has not been considered and the ground of rejection is that transfer is due to lack of staff at Ambikapur whereas, respondent No. 4 who was posted at Ambikapur has been transferred in place of the petitioner and the petitioner is being substituted in his place vide impugned order dated 07-12-2017.

3. Whether the medical condition of the petitioner is such that she should be posted at a place of requisite medical facility, would require administrative consideration and cannot be assessed by the Court. Nevertheless, once there was a direction for consideration of representation, this aspect ought to have been examined by the administrative authorities with reference to the documents of petitioner's illness placed before the respondent authorities. Therefore, in these circumstances, I am inclined to direct the Government to give a fresh look to petitioner's representation with reference to her alleged illness and requirement of treatment.

4. Let matter be re-examined with reference to this particular aspect within 4 weeks and decision may be taken. Till the matter is so examined, the impugned order shall not be given effect to in respect of the petitioner. Accordingly, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge