

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No. 2075 of 2019**

Rashmi Kumari Wife of Sri Vishal Jaiswal, Resident of Village-Dumraon  
Nagar, P.S.-Dumraon, District-Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Health Department Bihar, Patna
2. The Principal Secretary, Health Department, Bihar Patna
3. The Executive Director State Health Society, Bihar Patna
4. The District Magistrate-Cum-Chairman District Health Society, Bhagalpur
5. The Civil Surgeon-Cum-Chief Medical Officer-Cum-Member Secretary, District Health Society, Bhagalpur

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                       |
|----------------------|---|-------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sharda Nand Mishra, Advocate<br>Mr. Deepak Kumar, Advocate<br>Mr. Dhananjay Kumar Gupta, Advocate |
| For the Respondent/s | : | Mr. Rajeshwar Singh, GA-10<br>Mr. Manoj Kumar Yadav, AC to GA-10                                      |

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 07-02-2019**

Heard the learned counsel for the petitioner and the State.

The petitioner, who is an Ayush Doctor and has been appointed on contract basis, is aggrieved by the rejection of his request for being transferred from Naugachhia to any place of his choice in the district of Kaimur or Bhojpur.

It appears that the petitioner had earlier given his choice of posting but for administrative reasons, after his appointment, he was placed at Naugachhia. Since the



petitioner did not get his desired posting, he approached this Court vide C.W.J.C. No. 3608 of 2018. A Bench of this Court vide order dated 14.03.2018 permitted the petitioner to prefer a representation before the respondent authorities ventilating his grievances and it was directed that such representation, if so filed within a period of two weeks from the date of passing of the order, would be responded to within a period of four weeks thereafter.

Pursuant to the aforesaid order, the petitioner made a representation for his transfer from Naugachhia to any other place of his choice, which representation was rejected on 19.11.2018 by the Executive Director, State Health Society, Bihar. The aforesaid order is under challenge.

From the perusal of the order impugned, it appears that the posting of Ayush Doctors was made by broad-basing such appointments in all the entire districts of Bihar for the benefit of such appointment to flow to all the persons across the State.

The order further makes it very clear that any transfer by choice would disturb the even balance of the



posting. There is no provision, as of date, of any inter-district transfer and once such a rule or guidelines are framed, the case of the petitioner shall be considered. The charge of the petitioner that some other Ayush Doctors have transferred from one place to another of their choice has been negated and it has been clarified that such transfer is only in the nature of deputation.

This Court finds no fault with the order impugned in the present petition.

It would be open for the petitioner to approach the concerned authority once rules in that regard is framed and is implemented.

With the aforesaid observation / direction, this writ petition stands disposed off.

**(Ashutosh Kumar, J)**

skm/-

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