

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2490 of 2019

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Dr. Arun Kumar Sinha Son of Late Bimla Sharan Singh Resident of Flat No. 302, Om Residency Apartment, Parwati Path, New Chiragupta Nagar, P.O. Lohiya Nagar, P.S. Patrakarnagar, Town and District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Bikas Bhawan Secretariat, Bailey Road, Patna
2. The Joint Secretary, Health Department, Govt. of Bihar, Bikas Bhawan Secretariat, Bailey Road, Patna
3. The Director, Public Health Institute near P.M.C.H. Ashok Rajpath, Patna-800004

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate
For the Respondent/s : Mr. Ramadhar Singh (GP-25)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 19-02-2019

A supplementary affidavit has been filed on behalf of the petitioner during the course of argument.

2. Let it be taken on record.

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

4. The petitioner, who is a Medical Officer in Public Health Institute, Patna has been transferred to Motihari vide Notification No. 2/T-16/2018 issued by the Health Department.

5. The transfer order reads that the aforesaid transfers are being made in the interest of the administration of the office work. The reason for the petitioner to approach this Court is that he suffers from



80% disability because of muscular dystrophy and is also suffering from other ailments. The aforesaid fact is without dispute as his physical disability by 80% has been entered in his service book and that such ground has not been conjured up for the purposes of forestalling the order of transfer.

6. Learned counsel for the petitioner has also brought on record a circular of the Government of the year 2014 which permits a person with such disability to seek exemption from transfer or in case he is transferred, he has a right to give his option for the place of posting.

7. It is the case of the petitioner that after having received the order of transfer, he has represented before the Principal Secretary, Department of Health, Government of Bihar but no decision has been taken on the aforesaid representation as yet.

8. Considering the physical disability of the petitioner, this Court deems it appropriate to direct the petitioner to make a fresh representation before the Principal Secretary, Health Department, Government of Bihar, Patna within a period of one week from today and on receipt of same, the Principal Secretary ought to dispose of such representation within a period of two weeks thereafter.



9. Till the time the representation of the petitioner is disposed of, the petitioner shall not be insisted upon for joining his duty at the transferred place in Motihari.

10. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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