

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7022 of 2019

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Dr. (Smt.) Anita Singh @ Anita Singh, wife of Vinod Shankar Singh, resident at Suryabanshi Bhawan, in front of Bhabua Police Station, Ward No.-9 Bhabua, Post Office and Police Station- Bhabua, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Joint Secretary, Health Department, Government of Bihar, Patna.
3. The Civil Surgeon - cum- Chief Medical Officer, Madhepura, Bihar.
4. The Civil Surgeon -cum- Chief Medical Officer, Kaimur at Bhabua, Bihar.
5. The Civil Surgeon - cum- Chief Medical Officer, Arrah (Bhojpur), Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Advocate
For the Respondent/s : Mr. Ravi Kumar, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 19-06-2019

The petitioner has challenged the order dated 26.02.2019 passed by the Joint Secretary, Health Department, Government of Bihar, Patna contained in Memo No. 775(2) whereby she has been transferred from Sadar Hospital, Kaimur at Bhabua to Sadar Hospital, Arrah.

2. Apparently, the order of transfer has been issued on administrative grounds but the petitioner contends that it is only a facade of administrative



ground. In fact, the petitioner had represented for being transferred from Madhepura in order to serve the family which comprises her old and widow mother-in-law. Responding to the aforesaid request in the past, the petitioner was transferred from Madhepura to Sadar Hospital, Kaimur at Bhabua. No doubt the petitioner has remained posted at Kaimur for more than three years but suddenly, the respondent/respondents have woken up from the slumber and have found that under no circumstance, the petitioner could be posted in Kaimur because that is her home town and but for her last year of service tenure, she would not be entitled to be posted at Kaimur.

3. It has been suggested by the learned advocate for the petitioner that if this were the real intention, under what circumstances the petitioner was posted at Kaimur in the first instance. It has therefore been submitted that the charade of administrative ground has only been conjured up for the purposes of



punishing the petitioner because she had asked for a certificate of her being in service for some other purposes.

4. In any view of the matter, this Court has been informed that in obedience to the order which has been impugned in the present petition, the petitioner has already joined at the place where she has been transferred viz Sadar Hospital, Arrah.

5. The petitioner has also raised objections that another Doctor who hails from the same District has been allowed to remain at Arrah, which fact also is an indicator of the vindictive approach of the respondents so far as the petitioner is concerned.

6. Since the Doctor, who has been referred to by the petitioner has not been impleaded in the present petition, it would not be appropriate for this Court to make any comment on her being retained at Arrah. Nonetheless, it appears that the ground taken by the respondents of the order being only on administrative



ground appears to be doubtful. However, looking at another aspect of the matter that no person/employee has a right to remain at a particular place of posting for a number of years, this Court would be rather reluctant to interfere with the order of transfer/impugned order.

7. The aforesaid facts have been indicated in the order for the respondents to be fair in their approach because fairness in dealing with the employees is one of the principle guiding factors in maintenance and discipline of the personnel.

8. A grievance has been raised by the petitioner that because of the order of transfer and the petitioner having joined the place of posting after some delay, salary of the petitioner is not being paid for the interregnum period.

9. This Court, under the aforesaid circumstances directs the petitioner to make a representation before the Joint Secretary, Health Department, Government of Bihar, Patna (respondent No. 2) within a period of four



weeks from today, making a request either for change of the place of posting because of her old and widow mother-in-law and for payment of salary which has not been given to her without any valid reason. Should such a representation be filed before the concerned respondent, the same shall be considered in correct perspective and a reasoned order shall be passed within a period of four weeks of the receipt of such representation.

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

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22/06/2019

