

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9010 of 2019

Dr. Sheo Kumar Son of late Gopi Nath Badami, Resident of Shibu Sharnam
Apartment Flat No. 203, P.O. G.P.O. P.S. Budha Colony, Patna- 800001

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Bikas Bhawan Secretariat, Bailey Road Patna.
2. The Joint Secretary, Health Department, Government 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

Appearance :

For the Petitioner/s : Mr. Shiv Kumar

For the Respondent/s : Mr. Anuj Kumar, AC to SC 12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-08-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Counsel for the petitioner submits that from Public Health Institute, Patna petitioner has been transferred to Primary Health Center, Hassanpur at Samastipur vide notification dated 21.01.2019. It is submitted that on account of his physical disability, petitioner in view of circular of the Government issued in 2014 was entitled his exemption from transfer and gave his option for the place of his posting. He also submits that petitioner has to retire in few months.

Having regard to the facts, authorities should not have issued the transfer order as has been done under notification



dated 21.01.2019.

It is submitted that another physically disabled person had approached this court objecting his transfer in violation of the circular of the year 2014. This court under order dated 19.02.2019 has directed the authority to consider his representation seeking exemption from transfer, or choice posting.

This court would find claim of the petitioner is better than that of writ petitioner of CWJC no. 2490/2019 as in his case, court has not observed that he has to retire in a few months as in the instant case.

In the circumstances, this court would dispose of the writ petition also with similar liberty to the petitioner to make representation afresh before the Principal Secretary, Health Department, Govt. of Bihar, Patna. Principal Secretary shall dispose of the same having regard to the disability of the petitioner as well as fact of retirement in few months.

Let order be passed by the Principal Secretary within two weeks from the date of filing of representation along with copy of this order which should be done within two weeks. Till disposal of the representation, this court would observe that authority should not insist upon the petitioner to join at the



transferred place.

Writ petition is disposed of with liberty aforesaid.

(Madhuresh Prasad, J)

s.hassan/-

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