

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23436 of 2018

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Brijmala Kumari, daughter of Kamleshwari Ray, resident of Tulsipur, P.O.-
Sankh, Via-Rajaura, P.S.-Begusarai, District-Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, at Bettiah.
4. The Civil Surgeon, West Champaran, at Bettiah.
5. The Assistant Chief Medical Officer, West Champaran, Bettiah.
6. Laxmi Narayan Singh, Ex-Incharge Civil Surgeon, West Champaran,
Bettiah
7. Arun Kumar Singh, Incharge, Medical Officer, Sadar Primary Health
Centre, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Upadhyay, Advocate
For the Respondent/s	:	Mr. Chitranjan Sinha- PAAG-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 16-04-2019

The petitioner, who is an ANM is aggrieved by the order dated 13.06.2018 contained in Memo No. 1184 issued under the signature of the In-charge, Chief Medical Officer, West Champaran, Bettiah whereby she along with many others, in fact the entire cadre of ANM have been transferred and in the case of the petitioner, she has been shifted from the Primary Health Centre, Barwat Sena,



Bettiah to the Primary Health Centre, Thakraha which is about 120 KM away from the Primary Health Centre, Barwat Sena, Bettiah.

2. There are many reasons for the petitioners to challenge the aforesaid order of transfer.

3. It has been submitted on behalf of the petitioner that in one go, the In-charge, Chief Medical Officer, West Champaran, Bettiah has transferred the entire cadre of ANM from one Primary Health Centre to another Primary Health Centre which is not permissible in view of the resolution of the State Government dated 01.03.2007 contained in Memo No. 28/2006/434 which mandates that in one year, not more than ten percent of the total cadre of the employees can be transferred in one instance.

4. The other reason for challenging the transfer is that no option was asked from the petitioner, who is one of the senior most ANMs in the District with huge experience and junior ANMs have been posted at places which are very near the District headquarters. The other reason for challenging the transfer is the absence of any roster



clearance and the petitioner having personal health reasons for being transferred without any reason.

5. This Court has been informed that petitioner has joined her place of posting and is discharging her duties to the best of her ability in order to show her *bona fide* as a disciplined employee of the State of Bihar in the department of Health.

6. However, considering the grounds which have been urged in this writ petition, this Court deems it appropriate to permit the petitioner to make a representation for re-visiting her order of transfer before the Director-in-Chief, Health Services, Government of Bihar, Patna (respondent No. 2). Should such a representation be filed within a period of four weeks from today, it will be obligatory upon the concerned respondent to re-visit the order of transfer after taking into account all the grounds urged in the present petition and thereafter he shall pass orders in accordance with law within a further period of eight weeks. While passing the order, the concerned respondent shall also take into account the availability/vacancy of the seats in the



nearby Primary Health Centres, keeping in view the seniority/experience of the petitioner/representationist.

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

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19/04/2019

