

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18825 of 2019

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Babita Kumari, W/o Sri Mukesh Kumar Pandey, resident of village-
Hariharpur, Post- Rupauli, P.S.- Saraiya, District- Muzaffarpur 843106.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Old Secretariat, Patna.
2. Principal Secretary, Health Department, Government of Bihar, Patna.
3. Secretary, Bihar Staff Selection Commission, Patna.
4. District Magistrate, East Champaran, Motihari.
5. Director-in-Chief, Health Services, Bihar, Patna.
6. Additional Director, Health Services, Bihar, Patna.
7. Civil Surgeon-cum-Member Secretary, District Health Committee, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Priyank Samdarshi, Advocate Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Ms. Archana Sinha, A.C. to G.P. 25.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 24-10-2019

Heard learned counsel for the parties.

2. The petitioner is seeking quashing of an order issued by Director-in-Chief, Health Services, Bihar, Patna, as contained in Memo No. 1064(6) dated 20.08.2019 whereby, after her selection against the regular post of ANM, she has been posted at Kishanganj. She was working as ANM on contractual basis at *Chakiya* in the district of East Champaran. It is the case of the petitioner that allotment of district of Kishanganj, after her selection for appointment on regular basis is in the teeth of the guidelines framed by the Directorate of Health Services,



Government of Bihar, in this regard, as contained in Annexure-B to the counter affidavit filed on behalf of the respondents No. 2, 5 and 6.

3. Learned counsel appearing on behalf of the petitioner has vehemently argued, referring to the said decision of a Committee constituted for the purpose of allotment of districts for regularly appointed ANMs taken on 28.06.2019, that the decision to allot Kishanganj as the district for the petitioner, is arbitrary, as according to him, there are already surplus employees/ANMs in the district of Kishanganj. He has further submitted that the policy decision as taken by the Committee on 28.06.2019 itself discloses that as far as possible, the allotment was to be made from adjoining districts, where an ANM was working on contractual basis.

4. Transfer and posting of a Government Servant, is purely executive function. Unless it is shown that an order of transfer is contrary to the statutory rules or beyond jurisdiction, or tainted with *mala fide*, this Court, exercising writ jurisdiction under Article 226 of the Constitution of India, is not required to interfere.

5. I do not find any reason to interfere with the impugned action of the respondents.

6. This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05/11/2019
Transmission Date	N.A.

