

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21327 of 2018

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Naresh Kumar @ Naresh Prasad Singh son of Late Ram Chandra Singh,
resident of Village- Pawa, P.S. Deepnagar, now Giriyak, District Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director-in- Chief Administration, Health Services, Bihar, Patna.
4. The Civil Surgeon-cum- Chief Medical Officer, Nalanda.
5. The Civil Surgeon-cum- Chief Medical Officer, Purnea.
6. Assistant Medical Officer, Additional Primary Health Centre, Pawapuri, Giriyak, District Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Advocate
For the Respondent/s	:	Mr. S.D.Yadav AAG-9

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 18-02-2019

Heard the learned counsel for the petitioner and the

State.

The petitioner, who has been working as Senior Pharmacist at the Additional Primary Health Centre, Pawapuri, Giriyak, District – Nalanda, has challenged his transfer from the aforesaid place to the Primary Health Centre, Jalalgarh, Purnea by order dated 29.09.2018 contained in Memo No. 1184(4) issued under the signature of the Director-in-Chief (Administration), Health Services, Bihar, Patna.



The petitioner has submitted that he joined the service in the year 1985 at Bhagalpur but was posted in Nalanda since 1986. With the passage of time, he became a Senior Pharmacist and has been serving in different Health Centres in Nalanda.

The aforesaid order of transfer has been issued at the time of his retirement. The petitioner is due to retire in March, 2020. The other reason for challenging the order of transfer is that his wife, who is serving as an Assistant Teacher in Government Primary School, is also posted in Nalanda.

Learned counsel for the petitioner has submitted that there is a Circular of 2009 of the Cabinet Secretariat, detailing guidelines with respect to transfer which indicates that a person serving at one place would normally not be transferred if he is due to retire in a year and that his spouse also is posted at the same place.

Since the petitioner has served in the district of Nalanda for about 35 years, this Court would not like to go into the question whether the transfer is only on the ground of administrative exigencies or for other reasons. The wife of the



petitioner has also been posted in the district of Nalanda for about 10 years by now.

Because the petitioner is shortly to retire and has about an year to go, this Court can only make an observation that if the petitioner represents before the Director, Health Services, detailing his difficulty in serving at another place because of his wife being posted in Nalanda, such representation shall be considered in accordance with law by the said respondent within a period of one month of the date of receipt of such representation.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	22.02.2019
Transmission Date	

