

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9461 of 2019**

- Smt. Sushma Kujur, W/o Jay Masih Kujur, Aged About 43 Years, Posted As Nursing Sister, District Hospital Baikunthpur, District- Koriya, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary Health And Family Welfare Department Mantralaya, Atal Nagar, New Raipur, Chhattisgarh.
2. The Collector, District- Koriya, Chhattisgarh, (Baikunthpur), Chhattisgarh.
3. The Chief Medical And Health Officer, District- Koriya, Chhattisgarh, (Baikunthpur) (Chhattisgarh)
4. Shyamadas Posted As Nursing Sister, Commnity Health Center Chirmiri, District- Koriya, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Rahul Mishra, Advocate
For Respondents	:	Shri Amrito Das, Additional Advocate General

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/11/2019**

Heard.

1. This is second round of litigation and in the earlier round of litigation the petitioner was given a liberty to make a representation against the transfer which has been made from District Hospital, Baikunthpur, District Koriya to Community Health Centre Chirmiri, District Koriya.

2. It is contended that the husband of the petitioner is posted at Bankunthpur and if the petitioner is transferred to Chirmiri, it would be 50 kms away and according to the policy of State husband and wife are required to be kept at one place. It is further contended that the person who was transferred in place of petitioner i.e. Respondent No. 4 his transfer has been cancelled and thus no occasion arises to press for transfer of petitioner and further the grounds raised in the representation has not been considered.
3. I have heard learned counsel for the parties and perused the documents.
4. Perusal of the order dated 01.10.2019, whereby the representation of the petitioner has been cancelled, it appears that after the recommendation of the Chief Medical and Health Officer the final decision has been arrived at and it is the prerogative of the State to post a person to a particular place, so as to optimize the work and transfer being incidence of service, unless and until it is malafide or illegal on the face of it, the transfer do not call for any interference. In a result, I am not inclined to interfere in the order of dismissing the representation of the petitioner Annexure P-1.
5. The petition has no merit and accordingly it is dismissed.

Sd/-

Goutam Bhaduri
Judge