

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1860 of 2020**

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1. Avinash Kumar Sinha Son of Late Chakradhari Sinha Resident of Bengali Tola, Buxar, P.S.-Buxar, District-Buxar.
  2. Binod Kumar Choubey Son of Late Bindhyachal Choubey, Resident of Village-Ahirauli, P.S.-Buxar Industrial, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Special Secretary (Ayush Chikitsa), Health department, Government of Bihar, Patna.
4. The Under Secretary (Ayush Chikitsa), Health Department, Government of Bihar, Patna.
5. The Director-in-Chief, (Ayush Chikitsa), Ayush Directorate, Health Department, Government of Bihar, Patna.
6. The Principal, Government Shri Dhanwantri Ayurvedic College, Ahirauli, Buxar.
7. The Principal, Government Ayodhya Shiv Kumari Ayurvedic College, Begusarai.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shitanshu Shekhar Mishra  
For the Respondent/s : Mr. Binod Kumar Yadav ( SC-18 )

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      11-06-2020      The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned counsel for the State.

The writ petition has been filed seeking the following



reliefs:-

*“(i). For issuance of an appropriate writ, order or direction in the nature of certiorari for quashing the order dated 29.08.2019 contained in Memo No. 1154 (Ayush Chikitsa) issued under the signature of the Under Secretary, Health Department, Government of Bihar, Patna whereby and whereunder the petitioners despite being Class-IV employees have been transferred from Government Ayurvedic College, Ahirauli, Buxar to Government Ayurvedic College, Begusarai on the pretext of fulfilling minimum criteria fixed by the Central Council of Indian Medicine.*

*(ii). For holding that the transfer of the petitioners from Government Ayurvedic College, Ahirauli, Buxar to Government Ayurvedic College, Begusarai is in violation of the different circulars of the State Government which provide Class-IV post a district cadre post and not transferable beyond the district.*

*(iii). For direction to the respondents to consider the representation of the petitioners and review/rescind the transfer order of the petitioners which they have filed after joining the new place of posting i.e. Government Ayurvedic College, Begusarai.”*

At the outset, the learned counsel for the petitioners has submitted that the petitioners be granted liberty to file appropriate representation before the respondent no. 2 i.e. the Principal Secretary, Health Department, Government of Bihar, Patna, which may be directed to be disposed off within a



stipulated time frame.

Having regard to the limited prayer made by the learned counsel for the petitioners, I deem it fit and proper to grant liberty to the petitioners to file appropriate representation before the respondent no. 2 i.e. the Principal Secretary, Health Department, Government of Bihar, Patna, within a period of four weeks from today, which shall be disposed off by the respondent no. 2 within a period of four weeks of filing of such representation by the petitioners, by a reasoned and a speaking order.

The writ petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

S.Sb/-

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