

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18001 of 2019

1. Kumari Veena Wife of Shri Rajendra Prasad Singh Resident of Village - Ashok Nagar Pokharia near Harihar School Ward no. 36 and PO, PS -b Begusarai, District - Begusarai. Presently posted as ANM Bandwar Primary Health Centre Sadar Prakhand, Begusarai.
2. Sheela Kumari Wife of Shri Rajnish Kumar Pandit Resident of Village - Singhpur, PO- Balahpur, PS Nayagaon, District Begusarai Pin code 851129, presently posted at Health Sub Centre, Garhara PHC Barauni Begusarai.
3. Rita Kumari Wife of Kumar Prashant Resident of Village - Lakho near Lakho Durgasthan PO- Lakho, District- Begusarai Pin code 851129, presently posted at Health Sub Centre Dhavauli within PHC Sadar Prakhand Begusarai.
4. Rupam Kumari, ANM Wife of Shri Ramchandra APaswan Resident of Village - Rupnagar Simaria Ghat, PS- Barauni, District- Begusarai Pin code 851126, presently posted at Health Sub-centre Phulwariya PHC Teghra, Begusarai.
5. Madhuri Kumari, ANM Wife of Shri Sachidanand Nirala Resident of Village -Phulwariya, PO- Barauni, PS- Phulwariya, District- Begusarai Pin code 851112, presently posted at Health Sub Centre, Phlwariya-1 PHC Teghra Begusarai.
6. Madhu Kumari Wife of Shri Satyanarayan Rai Resident of Village and PO Nayagaon, PS- Nayagaon, District- Begusarai 851129, presently posted at Primary Upkendra Bahor, within Bishanpur Primary Health Centre, Sadar Prakhand Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Bihar Patna.
2. The Principal Secretary Health Department, Government of Bihar, Patna.
3. The Director-In-Chief Health Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director Health Services, Bihar.
5. The Collector Begusarai.
6. The Civil Surgeon - Cum - Chief Medical Officer Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19382 of 2019

Manju Kumari Wife of Ranjit Kumar Das, Resident of Village- Ward No. 11, Sabaura, P.O. Barauni Oil Refinery, Police Station-Barauni Oil Refinery , District- Begusarai, (Bihar), Pin Code- 851114

... .. Petitioner/s

Versus



1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Medical Officer Incharge, Primary Health Centre, Barauni, District-Begusarai.
4. The Civil Surgeon-Cum-Chief, Medical Officer, Begusarai, District-Begusarai.
5. The District Magistrate, Begusarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20484 of 2019

1. Rinku Kumari wife of Shri Chandan Kumar resident of Dularpur Nayanagar, Ward no. 4 and PO, PS- Tephra, District- Begusarai. Presently posted as ANM at Health Sub Centre Bajalpura, East PHC Teghra, Begusarai.
2. Meera Devi wife of Late Chandrachud Thakur resident of Village and PO- Shahpur Lodipur, District- Begusarai, Pin Code 851129 presently posted at Health Sub Centre, Panhara, PHC Sadar Prakhand, Begusarai.
3. Kalpana Kumari wife of Shri Omprakash Singh resident of Ward No. 18 Mohalla Sihama, PO- Sihama Sihama Barari, District- Begusarai, Pin Code 851129 presently posted at Health Sub Centre Ramnagar, PHC Matihani, Begusarai.
4. Chandraprabha Devi, ANM wife of Shri Ramparichhan Singh resident of ward no. 15, Village- Panasalla, PO Mairwar, District- Begusarai Pin Code 851129 presently posted at Health Sub- Centre Mohanpur, PHC Sadar Prakhand, Begusarai.
5. Pratima Kumari, ANM wife of Shri Amit Kumar Rajnish resident of Village and PO Sahuri, PS Virtue, District- Begusarai, Pin Code 851112 presently posted at Health Sub Centre, Jagdar, PHC Birpur, Begusarai.
6. Pusplata Kumari wife of Shri Brijnandan Roy resident of Village Matihani- 2 Shirniyan Mohammadpur Sihaman District- Begusarai 851129 presently posted at Health Sub Centre, Sinhmadih PHC Matihani Begusarai.
7. Kanan Kumari wife of Deepak Kumar resident of Mohalla Ashok Nagar Pokharia, Ward No. 14, PS- Mufassil, District- Begusarai PIN Code 851101, presently posted as Health Sub Centre Sonapur, PHC Matihani, Begusarai.
8. Jyoti Kumari daughter of Devendra Prasad Singh Resident of Village Sagar Bhavan Sarvoday Nagar, PO- Mirzapur Bandwar, District- Begusarai PIN Code 851101 presently posted at Health Sub Centre Nayagoan PHC Matihani Begusarai.
9. Nisha Kumari wife of Amit Anshuman Resident of Ward No- 40, Mohalla Sarvoday Nagar Vishunpur, Mirzapur Bandwar, Begusarai 851129 presently posted at Health Sub Centre Naktitola Ramdiri, PHC Matihani Begusarai.
10. Madhuri Kumari wife of Jaishankar Shah Mohalla Harinath Nagar Gali 1 Vishnu Cinema Ward No. 23, PS Begusarai, District Begusarai Pin Code 851101, presently posted at Health Sub Centre Kamruddinpur, PHC Sadar



Prakhand Begusarai.

11. Rekha Kumari wife of Arun Kumar Rai Resident of Village and Post- Naya Tola, Dularpur, PS- Teghra, District- Begusarai, PIN- 851133, presently posted at Health Sub Centre Lakho, PHC Sadar Prakhand Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-In- Chief, Health Department, Government of Bihar, Patna.
4. The Regional Deputy Director, Health Services, Bihar.
5. The Collector, Begusarai.
6. The Civil Surgeon-Cum- Chief Medial Officer, Begusarai.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 18001 of 2019)

For the Petitioner/s : Mr.Arun Kumar Tiwari

For the Respondent/s : Mr.Nagendra Prasad Yadav (Sc23)

(In Civil Writ Jurisdiction Case No. 19382 of 2019)

For the Petitioner/s : Mr.Jainendra Kumar

For the Respondent/s : Mrs.Ratna Kumari, PAAG-2.

(In Civil Writ Jurisdiction Case No. 20484 of 2019)

For the Petitioner/s : Mr.Arun Kumar Tiwari

For the Respondent/s : Mr. Chitranjan Sinha, PPA-2

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 20-01-2020 An order issued vide Memo No.1530 dated 06.08.2019 issued by the Collector is under challenge in all these three writ applications whereby he has annulled the transfers of various ANMs in the District of Begusarai issued by the then Civil Surgeon of the district. The impugned order dated 06.08.2019 indicates that the District Magistrate has taken into account the resolution no.2182(5) dated 17.12.1980, which required recommendation of District Establishment Committee



for effecting transfers of the employees. He has further mentioned that the said transfers had been made without following due procedure, because of which there was considerable resentment among the employees of the health wing in the district.

Learned counsel appearing on behalf of the petitioners, assailing the impugned order, has submitted that in view of subsequent resolution of the State Government issued vide memo no.434 dated 01.03.2007, there was no requirement of recommendation by District Establishment Committee as was earlier contemplated, which has been indicated in the impugned order. It is further case of the petitioners that the impugned order does not indicate as to which procedure had not been adopted which was compulsorily required to be adopted by the Civil Surgeon, Begusarai before issuance of the transfer orders.

It has also been argued that in any case, the District Magistrate, Begusarai, did not have any competence to issue the order dated 06.08.2019 annulling the transfer orders issued by the Civil Surgeon, Begusarai.

Counter affidavits have been filed on behalf of the respondents. No averment nor any document put-forth on behalf of the State justifies the action of the District Magistrate,



Begusarai in issuance of the impugned order dated 06.08.2019.

It is not in dispute that the Civil Surgeon, Begusarai did have the jurisdiction to order transfer of ANMs.

In such view of the matter, the impugned order dated 06.08.2019 passed by the District Magistrate, Begusarai is set aside.

These applications are allowed.

(Chakradhari Sharan Singh, J)

B.Kr./-

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