

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.922 of 2018

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Ashok Kumar Upadhyay S/o Sheo Shankar Upadhyay, resident of Mohalla-
Prabhat Colony, P.S.- K.Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director in Chief, Health Family Welfare, Health and Nursing Services,
Govt. of Bihar, Patna. null null
3. The Controller of Drug, Bihar, Patna.
4. Civil Surgeon-cum- Chief Medical Officer, Katihar.
5. The Drug Inspector, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad
For the Respondent/s : Mr.Mujtabul Haque- Gp12

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 11-06-2020 The petitioner is a Class-III employee and is

admittedly governed by Bihar Swasthya Kshetriya Lipikiya
Samvarg Niyamawali, 2014. He has put to challenge an order
dated 05.01.2018, issued by the Civil surgeon-cum-Chief
Medical Officer, Katihar, whereby he has been transferred from
the Office of Drug Inspector, Katihar, to Referral Hospital,
Barari. The main ground on behalf of the petitioner has put the
said order to challenge is that the Civil Surgeon did not have
any jurisdiction to order such transfer, since the petitioner
belongs to State cadre.

In the impugned order, it has been mentioned that the



same has been issued on the basis of oral instructions issued by the Principal Secretary, Health Department, Government of Bihar.

For the present, I am not entering into the legal issues, raised in the present writ application, for the reason that when the matter was taken up on 17.01.2018, the impugned order, to the extent the same related to the petitioner, was directed to be stayed. The petitioner continued to work accordingly during all this period.

Learned counsel for the petitioner has submitted that the petitioner is going to superannuate with effect from 28.02.2021.

This application is accordingly disposed of with an observation that the petitioner shall be allowed to continue at his present place, where he is working till he superannuates.

(Chakradhari Sharan Singh, J)

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