

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20772 of 2019

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Dr. Ravi Amit Kumar, Son of Ramadhin Kumar, Medical Officer, Referral Hospital, Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, New Secretariat, Patna.
2. The Director-in-Chief, Health Services, New Secretariat, Patna.
3. The Executive Director, State Health Society, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr.Arvind Kumar, Advocate
For Respondent No.3	:	Mr K.K. Sinha, Advocate
For the State	:	Mr.Nagendra Prasad Yadav, SC-23

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT

Date : 09-01-2020

Heard Mr. Baxi S.R.P. Sinha, learned Senior Counsel appearing on behalf of the petitioner and Mr K.K. Sinha, learned counsel appearing for the State Health Society.

2. The petitioner seeks issuance of a direction to the respondents to transfer him from Gopalganj to any Hospital in Patna taking into consideration that his wife is presently posted as Nurse in Loknayak Jayprakash Narayan Hospital, Rajbansi Nagar, Patna.

3. Learned counsel for the petitioner submits that the petitioner is a contractual employee and is working as Medical Officer (Homoeopath) in Referral Hospital, Bhore, Gopalganj and



his wife Lata Kumari has been working as Nurse in Loknayak Jayprakash Narayan Hospital, Rajbansi Nagar, Patna and since both are working under the Department of Health, Government of Bihar, it would be advisable and in the interest of justice that both the husband and wife be posted at a place convenient to themselves. It is further submitted that as per the Circular dated 06.10.1967 as well as Memo No.881 dated 03.06.2009 of the Government of Bihar, there is a provision for such posting which would benefit and facilitate both the husband and the wife if they are posted together to the extent as may be possible.

4. Learned counsel for the petitioner further submits that in view of the aforementioned policy also, the petitioner's posting can well be considered in accordance with the policy of the State of Bihar. It is also submitted by the learned counsel that the parents of the petitioner are old and infirm and have been ailing with various diseases and it is for the said reason that the petitioner has also made a representation for his transfer.

5. Learned counsel appearing for the State Health Society submits that keeping in view such policy, as has been referred to by the petitioner, the State Health Society has made efforts for facilitating such posting, but the same can only be done subject to availability of the seats. He further submits that if the



petitioner represents and if it is found that there is vacant seat available, then the petitioner’s case will also be considered in accordance with the policy of the State Government.

6. In view of the fair stand taken by the State Health Society and the learned counsel for the State having no objection to the same, the present writ application is disposed of with a direction to the authority, namely, Respondent No.3, the Executive Director, State Health Society, Bihar, Patna to consider the representation of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order/judgment and the authorities shall do so after making due enquiry regarding existence of the difficulties of the petitioner and also the availability of the seat.

7. With the aforementioned observations and directions, the writ application stands disposed of.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

