

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20199 of 2019

Arvind Kumar Mirah, S/o Kedar Prasad Mairh, Posted as Peon-Referral Hospital, Shahpur, Distt.- Bhojpur, Resident of Naya Bhojpur, Sonar Toli, Bhojpur Jadid, Distt.- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, State of Bihar, Patna
2. The Civil Surgeon-cum-Chief Medical Officer distt.- Bhojpur, Ara
3. The District Health Society through the Civil Surgeon-cum-Chief Medical Officer, Distt.- Bhojpur, Ara
4. The Executive Director State Health Society, Bihar Patna
5. The Incharge-Medical Officer, Referral Hospital, Shahpur, Bhojpur
6. The Incharge-Medical Officer Referral Hospital, Jagdishpur, Bhojpur, Ara

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Kumar, Advocate
For the State Health Society	:	Mr. K.K. Sinha, Advocate
(Respondent No.4)	:	Mr. Shashi Shekhar, Advocate
For the Respondent/s	:	Ms. Archana Sinha, A.C. to G.P.-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 27-01-2020 Heard learned counsel for the parties.

2. The petitioner has questioned the correctness of an order dated 13.09.2019 issued by the Civil Surgeon-cum-Chief Medical Officer, Bhojpur, Ara (Annexure-1) whereby the petitioner, who is a Class-IV employee, has been transferred from Referral Hospital Shahpur to Referral Hospital Jagdishpur, under the same District.

3. Learned counsel appearing on behalf of the petitioner has submitted that since the petitioner had refused to



discharge technical works for which he was not duly trained while serving at Shahpur Referral Hospital, he has been arbitrarily transferred by the impugned order.

4. Be that as it may, the impugned order cannot be said to be beyond jurisdiction. There is no plea that the order violates any statutory provision or any mandatory guideline of the State Government. No case of *mala fide* can be said to be made out on the basis of what has been asserted in the writ application. The order, in Court's opinion, does not require interference.

5. The petitioner shall, however, be at liberty to represent the respondent No. 2 in this regard and it will be open for the respondent No. 2 to consider the petitioner's representation.

6. This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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