

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23110 of 2019

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Sanju Prasad wife of Amresh Kumar, resident of village -Bela P.S. Mufassil,
District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director in chief, Health Services, Bihar, Patna.
4. The Special Secretary, Health Department, Bihar, Patna.
5. The Regional Deputy Director, Health Services, Magadh Division, Gaya.
6. The Civil Surgeon-cum-Chief Medical Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinay Ranjan
For the Respondent/s : Mr.Birju Prasad (Gp13)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-06-2020 The writ petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The petitioner has prayed for the following relief:-

"This is an application for issuance of a writ in the nature of certiorari to quash an order as contained in Memo No. 2266 dated 15.10.2019, issued under the signature of Civil-Surgeon-cum-Chief Medical Officer cum Chief Medical Officer, Aurangabad, whereby and whereunder earlier



order of appointment / posting of the petitioner at Primary Health Centre, Kushmi, Rafiganj has been change and made her posting against unsactioned post at unsactioned Primary Additional Health Centre, Sahiyari Tola, Madanpur, which is under NRHM, District-Aurangabad and further for issuance of mandamus commanding and directing the respondent Civil Surgeon to post the petitioner on sanctioned post as earlier made and further for issuance of any other appropriate writ or writs, order or orders, direction or directions to which the petitioner may be found legally entitled too."

The learned counsel for the petitioner has submitted that the posting of the petitioner has been made against unsanctioned post at unsanctioned Primary Additional Health Centre, Sahiyari Tola, Madanpur, which is under NRHM, District-Aurangabad. It is further submitted that the petitioner is required to be posted on a sanctioned post and this is the reason why the petitioner is not being paid salary.

The learned counsel for the Respondents-State has submitted, by referring to a counter affidavit filed on behalf of



the Respondent No. 3 on 26.2.2020, particularly paragraph no. 14 thereof that the contention of the petitioner regarding her posting at an unsanctioned Primary Additional Health Centre, Sahiyari Tola, Madanpur, Aurangabad is not true inasmuch as the said Primary Additional Health Centre is a sanctioned one as is apparent from the letter no. 2408 dated 9.11.2019, issued by the Civil Surgeon-cum-Chief Medical Officer, Aurangabad.

The learned counsel for the petitioner has not been able to refute the aforesaid contention of the learned counsel for the Respondents-State, hence, I do not find any merit in the present case, thus, the writ petition stands dismissed, however, with a direction to the Civil Surgeon-cum-Chief Medical Officer, Aurangabad to ensure payment of entire outstanding amount of salary to the petitioner herein within a period of four weeks from today, failing which he shall not draw his salary.

(Mohit Kumar Shah, J)

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