

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20342 of 2018

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1. Anjani Kumar Sharma and Ors Son of Late Ram Prasad Sharma, Resident of Babu Amauna, P.S.- Daudnagar, District- Aurangabad.
 2. Sanjay Kumar Deovrat, Son of Late Jaidev Singh, Resident of Harinagar Andar Kila, Hajipur, P.S.- Town Hajipur, District- Vaishali.
 3. Satish Chandra Bhusan, Son of Sri Narendra Kishore Mishra, Resident of Lama, P.O. and P.S.- Rajapakar, District- Vaishali.
 5. Jitendra Kumar Singh, Son of Bindeshwari Singh, Resident of Khajri, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Special Secretary, Health Department, Bihar, Patna.
3. Director in Chief Administration, Health Services, Bihar, Patna.
4. Director, Health Services, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 21455 of 2018

1. Kamlesh Kumar Sharma and Ors S/o Niranjan Singh, R/o Village- Mahuar P.S.- Hapura, Dist.- Aurangabad At present posted as Pharmacist Public Health Centre, Goh, Aurangabad, Bihar.
2. Krishna Kumar Singh, S/o Ram Dayal Singh, R/o Bela P.S. Dist.- Aurangabad, Bihar. At present posted as Pharmacist Public Health Centre, Goh, Aurangabad, Bihar.
3. Anil Kumar, S/o Late Surya Dev Singh, R/o Kanap P.S. Daud Nagar, Dist. Aurangabad Bihar. Presently posted as Pharmacist in Referral Hospital, Haspura, Aurangabad, Bihar.
4. Sanjai Kumar, S/o Shyam Bihari Sharma, R/o Birai, P.S- Daud Nagar, Dist.- Aurangabad Bihar. Present posted as Pharmacist in Additional Public Health Centre, Khudwan, Obra, Aurangabad, Bihar.
5. Sandhya Kumari, W/o Yugal Prasad, R/o Rampur P.S- Navi Nagar, Dist.- Aurangabad Bihar. Present posted as Pharmacist in Additional Public Health Centre, Pipra Bagahi, Kutumba Aurangabad, Bihar.
6. Birendra Kumar Singh, S/o Ram Prasad Singh, R/o Ankorha, P.S. - Daud Nagar, Dist.- Aurangabad Bihar. Presently posted as Pharmacist in Additional Public Health Centre, Devahara, Goh, Aurangabad, Bihar.
7. Ram Binay Singh, S/ Sukhram Singh, R/o Village- Gordiha, P.S.- Daud Nagar, Dist.- Aurangabad presently posted as Pharmacist in Additional Public Health Centre, Mauari, Haspura, Aurangabad, Bihar.
8. Surendra Kumar Pandey, S/o Chhedi Pandey, R/o Village- Dhunda, P.S.-



Amba, Dist.- Aurangabad Presently posted as Pharmacist Public Health Centre, Obra, Aurangabad, Bihar.

9. Sushant Kumar, S/o Suresh Singh, R/o Village- Ekarha, P.S.- Chewara, Dist.- Sheikhpura, Presently posted as Pharmacist in Sadarv Hospital, Sheikhpura, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Health Department, Government of Bihar, Patna.
4. The Special Secretary, Health Department, Government of Bihar, Patna.
5. The Director-in-Chief Administration Health Services, Government of Bihar, Patna.
6. The Director Health Services, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 22579 of 2018

Yogendra Kumar Son of Jageshwar Prasad Singh, Resident of Village-Khaira, P.S.-Haweli Kharagpur, Dist-Munger. at Present Wet Azimganj, Kharagpur, District-Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director in Chief Health Services, Bihar, Patna.
3. The Regional Addl. Director, Health Services, Munger Division, Munger
4. The Civil Surgeon-Cum-Chief Medical Officer, Munger.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4730 of 2019

Shashi Bhushan Son of Late Mahavir Prasad R/o New Bangali Tola, Mithapur Bus Stand, P.S.-Jakkanpur, P.O.-GPO Patna, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Department of Health Services, Bihar, Patna
3. The Director-in-Chief Department of Health Services, Bihar, Patna
4. The Director-in Chief (Disease Control) Department of Health Services,



Bihar, Patna

5. The Director Department of Health Services, Bihar, Patna
6. The Civil Surgeon Patna
7. The Medical Officer Government Hospital, Patna High Court

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 5226 of 2019

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Satyendra Narayan S/o Gupteshwar Prasad Singh Vill. and P.o.- Mouri, P.s.- Paliganj, Distt.- Patna, At present posted as Pharmacist at Prabhawati Hospital, Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Services, Govt. of Bihar, Patna
2. The Principal Secretary Health Services, Bihar, Patna
3. The Director-in-Chief Health Services, Bihar, Patna
4. The Regional Deputy Director Health Services, Magadh Division, Gaya
5. The Superintendent Prabhawati Hospital, Gaya

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 9633 of 2019

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1. Rajeshwar Prasad Singh Son of Late Yogendra Pd. Singh Resident of vill and P.O. Pirria via Bhagwanpur, P.s.- Goraul, Distt. Vaishali.
2. Arun Kumar Singh Son of Late Nagendra Pd. Singh Resident of SDO Road, Andarkila, P.s.- Town hajipur, Distt- Vaishali.
3. Gopal Krishna Singh Son of Late Suryadeo Singh Resient of vill - Chhitraul, P.O.- Peroi, P.s.- Goraul, Distt- Vaishali.
4. Santosh Kumar Sah Son of Late Bishwanath Pd. Sah Resident of Vill - Branti, P.s.- Bidupur, Distt- Vaishali.
5. Anil kumar Roy Son of Late Ram Pavitra Roy Resient of vill - Rampur Rajwa, P.s.- Hasanpur, Distt. - Samastipur.
6. Shailendra Kumar Son of Late Bideshi Sao Resident of Vill and P.O. Harnaut, P.s.- Harnaut, Distt. Nalanda
7. Durga Prasad Yadav Son of Late Ritlal yadav Resident of Vill Khalaspur, P.o.- Gaway, P.s. and Distt.- Sheikhpura, Bihar
8. Niraj Kumar Singh Son of Late Krishna Ballava Resident at Sahiyardih, P.o and P.s.- Rosera, Distt. - Samastipur.
9. Jayprakash Singh Son of Bangali Mahto Resident of Vill- Bakarchak, P.o.



Pighari, P.s.- Suryagarha, Distt. - Lakhisarai.

10. Arun Kumar Son of Late Suryadev Ram Resident of vill- Karamdih, P.o. and P.s. - Barun, Distt- Aurangabad.
11. Rajesh Raushan Son of Sri Indradeo Prasad Resident at Patel Nagar, P.o. - Barbigjha., P.s.- Barbigha, Distt- Sheikhpura, Nalanda
12. Manoj Kumar Solanky Son of Late Sachchidanand P.d. Solanky Resident At/P.O. Sadarpur, P.s.- Bind, Distt. Nalanda.
13. Bindeshwari Mandal Son of Late Suryanarayan Mandal Resident of Vill- Bhidha, P.o. - Suryagarha, P.s.- Suryagarha, Distt. Lakhisarai.
14. Pradeep Kumar Son of Late Umashankar Pd. Singh Resident of Vill and P.o. New area, S.K.M. College, P.s.- Nawada, Distt. Nawada
15. Navesb Prasad Sinha Son of Sri Lakshmi Mahto Resident of Vill- Dariyachak, P.s.- Barbigha, Distt. - Sheikhpura.
16. Arun Kumar Sinha Son of Ram Ayodhya Singh Resident of vill - Chhoti Rukanpura,P.s. - Hawai Adda, Rukanpura, Distt. Patna.
17. Santosh Kumar Singh, Son of late Mathura Prasad Singh, Resident of Village- Khopi, P.S. Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Bihar, Patna.
2. Special Secretary Health Department, Bihar, Patna.
3. Director in Chief (Administration) Health Services, Bihar, Patna.
4. Director Health Services, Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 20342 of 2018)

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

For the Respondent/s : Mr. Ajay Behari Sinha, GA 8

(In Civil Writ Jurisdiction Case No. 21455 of 2018)

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Respondent/s : Mr. S.D. Yadav, AAG 9

(In Civil Writ Jurisdiction Case No. 22579 of 2018)

For the Petitioner/s : Mr. Ranvijay Singh, Advocate

For the Respondent/s : Mr. Pankaj Kumar, SC 12

(In Civil Writ Jurisdiction Case No. 4730 of 2019)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Respondent/s : Mr. Ajay Bihari Rastogi, G.A. 8

(In Civil Writ Jurisdiction Case No. 5226 of 2019)

For the Petitioner/s : Mr. Dr. Harendra Kumar Singh, Advocate

For the Respondent/s : Mr. Nagendra Pd. Yadav, SC 23

(In Civil Writ Jurisdiction Case No. 9633 of 2019)

For the Petitioner/s : Mr. Nilanjan Chatterjee, Advocate

For the Respondent/s : Mr. Rajeshwar Singh, G.A.10



CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

20 15-10-2020 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State through video conferencing..

The petitioners, who are Senior Pharmacists/Senior Chief Pharmacists, have challenged their order of transfer on two grounds, firstly, that the petitioners have not been transferred in place and post, which they are holding personally, and transfers are not made in accordance with the policy decision of the government with regard to service condition and transfer of the Pharmacists, Senior Pharmacists and Senior Chief Pharmacists. By order dated 25.02.2019, this Court ordered that the petitioners shall not be insisted upon to join on their place of posting.

Therefore, most of the petitioners remained where they were working before the order of transfer.

It is needless to state that the transfer is an incident of service and no employee can claim to remain on a place for more than three years. These writ petitions are pending for about two years. By order dated 29.01.2020, this Court in view of the controversy with regard to up-gradation of the Pharmacists and their posting in accordance with their posts directed the learned counsel for the State to file the gradation list of the cadre and the persons, who are holding the posts of (a) Pharmacist (b) Senior



Pharmacist and (c) Senior Chief Pharmacist.

After hearing both sides, I find that since the case relates to the transfer of the petitioners and the same is pending for about two years, it is needless to keep the petitions pending here, therefore, with the consent of the parties, I dispose of these writ petitions with a direction to the Director-in-Chief, Health Services, Bihar, Patna to pass a fresh order of transfer in accordance with law keeping in view that the Pharmacists be transferred on the post of Pharmacists, Senior Pharmacists should be transferred on the post of Senior Pharmacists and Senior Chief Pharmacists should be transferred on the post of Senior Chief Pharmacists within three months.

In the meantime, the respondents are directed to make payments of salary to the petitioners, who are working, as it is submitted that many of them have also retired, within three months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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