

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5049 of 2020**

Rohit Prajapati S/o Shri Bhagwat Ram Aged About 47 Years Working As Rural Health Organizer (R.H.O.) (Male), Sub Health Center, Golhaghat (Patna) , District Koriya Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department , Mahanadi Bhawan, Mantralaya , New Raipur Chhattisgarh.
2. The Collector District Koriya Chhattisgarh.
3. The Chief Medical And Health Officer District Koriya Chhattisgarh.
4. The Block Medical Officer Patna, District Koriya Chhattisgarh.
5. Om Prakash Gupta Posted As R.H.O. Male, Sub Health Center, Kasra (Patna), District Koriya Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. D.N. Prajapati, Advocate
For State	:	Mr. Mateen Siddiqui, Deputy A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/12/2020**

1. The challenge in the present writ petition is to the order dated 11.11.2020 passed by the respondent No.3 posting the petitioner from Sub-Health Center, Golhaghat (Patna), District Koriya to Sub-Health Centre, Kasra (Patna), District Koriya.
2. Counsel for the petitioner submits that the contents of the order reflects that there was some complaints against the petitioner and some inquiry was conducted, however the entire inquiry has been conducted behind his back and that no notice whatsoever was issued to the petitioner in respect of the same.

3. Given the contents of the impugned order itself, the administrative exigency which arose for the shifting of the petitioner from one place to another is clearly reflected. In the backdrop of those reasons provided, this Court would find it difficult to exercise the writ jurisdiction under Article 226 of the Constitution of India in interfering with the impugned order. Moreover, the impugned order does not reflect to be a permanent order of transfer, but is only a temporary arrangement made, particularly in the backdrop of certain complaints and some preliminary enquiry which was conducted. For the said reasons also this Court is not inclined to interfere with the impugned order.
4. If at all if the petitioner wants, he may prefer an appropriate representation before the concerned authorities both in respect of the shifting of his place of posting as also in respect of the enquiry which has been conducted against the petitioner. In case if the representation is made, the authorities concerned are expected to take a decision on the same at the earliest preferably within a period of 30 days from the date of receipt of the copy of this order.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved