

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1467 of 2021

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Dr. Jitendra Prasad Son of Sri Rameshwar Prasad Resident of Aparajita, Ward
No- 28 Bhagwati Colony Chauhatta, Police Station- Hajipur, District-
Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Health Department Government of Bihar, Patna.
2. The Special Secretary, (Ayush) Health Department Government of Bihar, Patna.
3. The Under Secretary, Health Department Government of Bihar, Patna.
4. The General Director (Ayush) Health Department Bihar, Patna.
5. The Civil Surgeon Cum Chief Medical Officer, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Upadhyay
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Grievance of the petitioner in the present application
is that the suspension of the petitioner has not been revoked yet
the respondents have issued order of transfer and posting of the
petitioner vide Annexure-1 dated 30.6.2020.

From the Annexure-2 it is apparent that after enquiry
the petitioner was exonerated in the departmental proceeding.

In view of the Annexure-2 the order of suspension has
vanished in thin air and as such the contention of the petitioner
that suspension has not been revoked does not merit any



consideration.

The posting and transfer is an incident of service and prima facie the Court does not find any infirmity in the decision of the respondents contained in Annexure-1. The petitioner is directed to positively join the place of posting within a period of one month and thereafter, if he has any grievance as to Annexure-1 he may approach the competent authority by way of the filing representation which shall be considered appropriately by reasoned and speaking order within a further period of three months.

With the aforesaid liberty, the present application is disposed of.

(Anil Kumar Upadhyay, J)

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