

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5168 of 2021**

Dr. Shashikant Snehi S/o Shri P.D. Snehi, Aged About 50 Years Working As
Medical Officer, Community Health Center, Premnagar, District Surajpur
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Collector, Surajpur, District Surajpur Chhattisgarh
3. The Chief Health And Medical Officer, District Surajpur Chhattisgarh
4. The Block Medical Officer, Premnagar, District Surajpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Goutam Khetrapal, Advocate.
For State	:	Mr. Amit Buxy, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24.09.2021**

1. Aggrieved by the order Annexure P-1 dated 31.08.2021, the present writ petition has been filed.
2. Vide the impugned order the place of posting of the petitioner has been changed from Community Health Centre, Premnagar, District Surajpur to District Hospital at Surajpur. The impugned order passed by the Chief Medical and Health Officer(CMHO) of the District Surajpur. The only contention of the petitioner in assailing the order is that the said impugned order has been passed at the behest of the District Collector who does not have any administrative control over the Medical Officers of the Health Department under the State Government.

3. State counsel on the other hand opposing the petition submits that it is not in fact an order of transfer. It is only a shifting of the place of posting of Doctor within the same district by the CMHO. Moreover, according to the State counsel, the petitioner has been brought from the Community Health Center to District Hospital taking into consideration the administrative exigency that arises as per the advice and recommendations of the District Collector. It is the further contention of the State counsel that even otherwise, the distance between the two places of posting is too short a distance which could otherwise have caused any serious inconvenience to the petitioner.
4. Given the said facts and circumstances of the petitioner, particularly considering the fact that it is only a change of place of posting, that too from CHC, Prem nagar to District Hospital, Surajpur which is too short a distance which could cause any inconvenience to petitioner. Moreover, considering the fact that it has been done in terms of the advice and recommendations made by the District Collector shows that there was sufficient administrative exigency which required the District Collector to recommend the CMHO for an appropriate decision to be taken.
5. Given the aforesaid facts and circumstances, this Court does not find any strong case made out by the petitioner. The writ petition therefore fails and accordingly stands rejected.

**Sd/-
(P. Sam Koshy)
Judge**