

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10020 of 2020

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Md. Mazhar Hussain son of Md. Salimuddin road No. 5A, new Karimganj,
P.s.- Civil line, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar Patna
2. The Director, Health Department, Bihar, Patna
3. The Principal Secretary, Health Department, Bihar, Patna
4. The Regional additional Director Health Department, Magadh Division, Gaya
5. The Commissioner, Magadh Division, Gaya
6. The District Magistrate, Gaya
7. The Civil Surgeon cum Secretary District Health Society, Gaya
8. Dr. Md. Anzarul Haque Health Officer (Unani) Primary Health Centre, Guraru, Dist Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Saxena
For the Respondent/s	:	Mr. Ajay Behari Sinha, G.A.-8
		Mr. Neeraj Raj, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 13-04-2022

Heard the learned counsels for the parties.

In the instant petition, petitioner has prayed for following reliefs:-

“(1) That this writ application is being filed for issuance of an appropriate writ/writs in the nature of certiorari for the setting aside the letter bearing memo NO. 2614, Gaya dated 18/7/2020 issued by civil surgeon cum Chief health officer, Gaya, by which the petitioner has been relieved from his post of medical officer in-charge-cum Drawing and Disbursing officer, primary Health centre Guraru and in his place Dr. Md. Anzarul Haque health officer, (Unani) has been posted on misconceived ground.”



Short question for consideration in the present petition is whether petitioner could be displaced from the post of Medical Officer Incharge-cum- Drawing and Disbursing Officer, Primary Health Centre, Guraru or not? Such displacement of the petitioner from the aforesaid post is based on certain allegations. Petitioner cannot be displaced from such a post merely on the allegations. If the alleged allegations are *prima facie* true, in that event the competent authority should have proceeded to initiate appropriate enquiry and initiation of departmental proceedings and not to displace him abruptly from the post held by him in the absence of any provision of law.

In the light of these facts and circumstances, relieving of petitioner from the post of Medical Officer Incharge-cum- Drawing and Disbursing Officer, Primary Health Centre, Guraru is arbitrary. Accordingly, Memo No. 2614, Gaya dated 18/7/2020 is set aside reserving liberty to respondent to initiate appropriate proceeding if it is warranted at this distance of time or not? Petitioner shall be continued in the present post in accordance with law. If his tenure in a place and post is completed in that event necessary orders may be passed.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

