

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8834 of 2022

Dr. Devkant, S/o Late Tarkeshwar Prasad, resident of Kagazi Mohalla, Post - Office/P.S.- Siwan, District - Siwan. Presently posted as Medical Officer-in-charge at the Offices of Referral Hospital-cum-Primary Health Centre, Bhore, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Health, Bihar, Patna.
3. The Director-in-Chief, Department of Health, Bihar, Patna.
4. The Executive Director, Bihar State Health Committee, Bihar, Patna.
5. The Regional Additional Director, Health Services, Saran Division, Chapra.
6. The Civil Surgeon-cum-Chief Medical Officer, Gopalganj, District-Gopalganj.
7. Dr. Khabar Imam, Son of Md. Aslam, resident of near Dr. S.M. Mahila College, Osama Lane, Chapra, District - Saran, posted as Medical Officer, Community Health Centre, Uchka Gaon, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Panditjee Pandey, Advocate Mr.Nawnit Kumar Tiwary, Advocate
For the Respondent/s	:	Mr.Pankaj Kumar, S.C.-12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-07-2022 Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned State Counsel.

The petitioner has assailed the transfer order dated 14.05.2022 issued by the Civil Surgeon-cum-Chief Medical Officer, Gopalganj, whereby one person, till further orders, has been asked to assume the charge at Referral Hospital, Bhore. A



copy of the said order, *prima facie* evident from the order itself, has been marked to the instant petitioner also.

The petitioner's contention is that he was working at that place where the respondent No.7 has been transferred.

The submission is that while the petitioner was on leave between 04.05.2022 to 22.05.2022, the said Doctor has been permitted to join in the petitioner's place.

On a query being made as to why respondent No.7 could not have been transferred in place of the petitioner, it is submitted that there was no information/notice given to the petitioner regarding the transfer in question.

Specific query has been made by the Court whether any rule requires any notice prior to any transfer being effected, to which no such rule is shown to this Court requiring issuance of a notice before transferring any person to a particular place. The petitioner thus has not made out any case of violation of any right. Therefore no case is made out for interference with the transfer order dated 14.05.2022.

The prayer made by the petitioner's counsel, however, is that the petitioner may be permitted to pursue his representation pending before the Civil Surgeon-cum-Chief Medical Officer (Respondent No.6).



On going through the transfer order, it is more than obvious that the same has been made under instructions from the Additional Chief Secretary, Health Department, Government of Bihar.

In the circumstances, this Court would consider it inappropriate to relegate the petitioner to the Civil Surgeon-cum-Chief Medical Officer as the transfer of respondent No.7 in the petitioner's place is under direction of a superior authority, leaving no scope for consideration by the Civil Surgeon-Cum-Chief Medical Officer.

Otherwise also, other than the plea of there being no notice of the transfer in question, which has been considered above, there is no legal infirmity pointed out by the petitioner's counsel in the order of transfer.

Writ petition is therefore devoid of merit, and dismissed.

(Madhuresh Prasad, J)

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