

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15266 of 2021

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Rubi Kumari Daughter of Rajendra Prasad and Wife of Manikant Kumar
Resident of Village and P.O. Ajnaura, P.S. Noorsarai District-Nalanda at
Biharsharif Presently Working as General Nurse Midwifery Grade-A, Sub-
Divisional Hospital, Jhanjharpur, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secreary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The Civil Surgeon-Cum-Chief Medical Officer, Madhubani, District Madhubani.
5. Sri Ram Naresh Chaudhary Son of not Known to the Petitioner, Presently Posted as the Deputy Superintendent, Sub-Divisional Hospital, Fulapras, District-Madhubani,
6. The Deputy Superintendent, Sub-Divisional Hospital, Jhanjharpur, District-Madhubani
7. Sri Baiju Krishna Bharti Son of not Known to the Petitioner, Presently Posted as the Head Clerk, Sub-Divisional Hospital, Fulapras, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awnish Kumar
For the Respondent/s : Mr. Nagendra Pd. Yadav (SC-23)

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

Date : 02-03-2022

Heard learned counsel for the parties.

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

*“(I) For issuance of an
appropriate writ in the nature of
certiorari for quashing the order
dated 30.06.2021 passed by the*



Respondent no.4 and contained in his memo no.1266 dated 30.06.2021 whereby and where under the Respondent no.4 was pleased to transfer the petitioner from Sub-Divisional Hospital, Fulparas to Community Health Centre, Babubarahi on administrative ground even before the petitioner had completed five at her earlier place of posting.

(II) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 06.07.2021 passed by the Respondent no.4 and contained in his memo no.1307 dated 06.07.2021 whereby and where under he was pleased to modify the transfer order dated 30.06.2021 and in place of her posting at Community Health Centre, Babubarahi, she was transferred and



posted to Sub-Divisional Hospital, Jhanjharpur.

(III) For issuance of an appropriate writ in the nature of mandamus, commanding and directing the Respondent Authorities to allow the petitioner to discharge her duties at Sub-Divisional Hospital, Fulparas, where the petitioner was working prior to issuance of the impugned transfer orders and for grant of consequential benefits for which she would have been entitled, had she not been transferred from Fulparas to Babubarahi and then Jhanjharpur.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”



Petitioner was working as GNM (General Nurse Midwifery) from 01.09.2016 in Fulparas, District- Madhubani. She has been transferred to Babubarahi and she has already reported. Thereafter, once again, she has been transferred to Jhanjharpur on 06.07.2021 and she has obeyed the order of transfer.

Learned counsel for the petitioner vehemently submitted that minimum tenure in a place is five years in terms of the guidelines. As on 30th June, 2021, petitioner has not completed five years of service, in the result, if the transfer order is on administrative ground, necessary reasons should have been recorded. Reasons have not been recorded, therefore, the order dated 30th June, 2021 and further transfer order dated 06.07.2021 are in violation of guidelines. It is to be noted that matter of only less than three months to complete five years tenure. That apart, petitioner has already reported at two transfer places, namely, Babubarahi and Jhanjharpur. In the light of these facts and circumstances, the transfer order has already spent its force. Ordinarily, Court should not interfere in the order of transfer in the light of Apex Court decision in the case of *State of Punjab and others v. Joginder Singh Dhatt* reported in AIR 1993 SC 2486.



Accordingly, the present petition stands disposed of. Since, order of transfer has already spent its force, the petitioner is at liberty to approach the concerned respondent, if any monetary benefits she is entitled to during the intervening period from 30.06.2021 to 06.07.2022. If the petitioner made out a case, monetary benefits shall be extended to her at the earliest.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2022
Transmission Date	NA

