

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1544 of 2023

Dr. Syed Quaisar Hussain @ Syed Quaisar Hussain Son of Late Syed Azhar Hussain, Resident of Khan Bahadur Road, Pathak Toli, Jehanabad, P.S. Jehanabad, District Jehanabad, presently posted as Medical Officer, Primary (Community) Health Centre, Karpi Arwa, District- Arwal (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Health Department, Bihar, Patna.
4. The District Magistrate, Arwal.
5. The Deputy Secretary, Health Department, Bihar, Patna.
6. The Regional Deputy Director, Health Service, Magadh Division, Gaya.
7. The Civil Surgeon cum Chief Medical Officer, Arwal.
8. Dr. Shashikant Kumar, Son of not known to the petitioner, the In- Charge Medical Officer, Primary (Community) Health Centre, Karpi, Arwal, District- Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha, Adv.
For the State : Mr. Birju Prasad, GP-13 with
Mr. Ajit Anand AC to GP-13.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 20-07-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The instant application has been filed for quashing the order contained in Memo No. 17, Arwal dated 06.01.2023, issued under the Signature of the Civil Surgeon-cum Chief Medical Officer, Arwal (Respondent no.7) whereby the previous order of posting of the petitioner dated 10-12-2022 (Annexure-7) as In-Charge Medical Officer-cum Drawing



Disbursing Office of Primary (Community Health Centre, Karpi, Arwal, has been cancelled.

3. The grievance of the petitioner is with respect to posting of one doctor (Respondent No.8) as In-Charge Medical Officer-cum-Drawing and Disbursing Officer for the Primary (Community) Health Centre, Karpi, Arwal. He submits that overlooking his seniority another doctor (Respondent No.8) has been posted.

4. The learned State Counsel submits that earlier a notification had been issued for posting the petitioner as In-Charge Medical Officer-cum-Drawing and Disbursing Officer for the Primary (Community) Health Centre, Karpi, Arwal, which he declined.

5. Learned counsel for the petitioner submits that at that point of time, there was some medical issue and considering the *bona fide* situation, he he has refused to accept the responsibility of an In-Charge. The issue now is different as he is not suffering with any such disability on account of any medical condition and, therefore, the authorities should consider him for being posted as In-Charge Medical Officer-cum-Drawing and Disbursing Officer for the Primary (Community) Health Centre, Karpi, Arwal. The claim of the petitioner is



founded on a communication dated 21/12/2021 (Annexure-1) issued by the Deputy Secretary, Health Department, Bihar, Patna (Respondent No.5) bearing Memo No. 1091(3).

6. Having regard to the totality of the circumstances, the learned State counsel submits that if there is no such impediment from the petitioner's side, his claim can be considered after due opportunity to Respondent No.8, in accordance with law.

7. In such view of the matter, this Court directs the Civil Surgeon-cum- Chief Medical Officer, Arwal (respondent No. 7) to pass appropriate orders in accordance with law, in this regard within a period of eight weeks from the date of receipt / production of a copy of this order.

8. The writ petition is allowed.

(Madhuresh Prasad, J)

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