

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2225 of 2023

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Anita Kumari Wife of Rajnarayan Prasad Resident Chhapramegh, Sutihara
Alam Chapra Megh Muzaffarpur, P.S.- Mushahri, District-Muzaffarpur,
Bihar-853119.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary, Health Department,
Government of Bihar, Patna.
2. The Principal Secreary, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The Civil Surgeon Cum Chief Medical Officer , Muzaffarpur.
5. The Civil Surgeon Cum Chief Medical Officer, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh, Advocate
For the Respondent/s : Mr. Braj Bhushan Mishra, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the State.

This is yet another case in which the petitioner has moved this Court with a prayer to direct the respondent authorities to consider her case for transfer in accordance with the Government's policy. The grievance of the petitioner is that in the matter of transfer of similarly situated persons a uniform approach is not being adopted by the respondent authorities as a result of which the persons similarly situated are being treated with a lot of discrimination.

Learned counsel for the petitioner with reference to Annexure- '6/1' and 7 submits that the persons similarly situated



have been considered for transfer on their request. The petitioner has already completed more than three years of her tenure at the present place of posting in the office of Civil Surgeon-cum-Chief Medical Officer, Purnea.

Learned counsel for the State submits that if the petitioner files a representation giving the circumstances under which he is seeking her transfer, the same will be considered in accordance with the policy decision of the government and all efforts will be made to maintain uniformity in the decision making.

Having regard to the facts and circumstances of the case and the submissions noted hereinabove, this Court directs the Director-in-Chief, Health Services, Government of Bihar, Patna (respondent no.3) to consider the representation of the petitioner in the light of the Government's policy and keeping in view his decision in respect of similarly/identically situated persons. It is expected that the respondent no.3 shall maintain uniformity in his decision making in the matter of transfer of employees who are similarly situated.

Petitioner is at liberty to file a fresh representation within a period of four weeks from today, whereafter a reasoned decision shall be taken by the respondent no.3 within a period



of two months.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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