

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22356 of 2018

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Raj Narayan Sinha Son of Lakshmi Narayan Sinha, Resident of Village-Jhapani, P.O.- Kiranpur, P.S.- Mednichowki, District- Lakhisarai, at present P.C. Dutta Colony, Betwan Bazar, P.O. P.S.-Munger, Dist.- Munger.

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Health Department, Govt. of Bihar.
2. The Director in Chief Health Services (Administration), Govt. of Bihar, Patna.
3. The Regional Addl. Director, Health Services, Munger Division, Munger.
4. The Civil Surgeon- Cum-Chief Medical Officer, Munger.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ranvijay Singh, Advocate Ms. Muskan Singh, Advocate
For the Respondent/s	:	Mr. Nagendra Prasad Yadav, SC-23

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-04-2023 Heard learned counsel for the petitioner and the State.

2. The petitioner in the present case has prayed for the following reliefs:-

- “i. For issuance of writ in the nature of certiorari for quashing the Letter contained in Memo No. 1184(4) dated 29.09.2018 issued by the director in Chief administration, Health Service, Bihar, Patna whereby and where under the petitioner has been transferred from Sadar Hospital, Munger to office of the Civil Surgeon, Siwan.
- ii. For holding that the transfer of the petitioner made vide Memo No. 1184(4) dated 29.09.2018 is bad in law as well as same is arbitrary and beyond the jurisdiction of the director in Chief.
- iii. For any other relief/reliefs for which the petitioner is entitled for the facts and circumstances of this case.”



3. Learned counsel for the petitioner submits that the petitioner had prayed for setting aside of the order of transfer on the grounds inter alia that there is no sanction post for the Senior Pharmacist at the transferred place. It is his submission that the petitioner is a Senior Pharmacist and has been transferred from Sadar Hospital, Munger to Sadar Hospital, Siwan.

4. The petitioner pleaded by filing a supplementary affidavit that the two other writ applications i.e. CWJC No. 20342 of 2018 and CWJC No. 21455 of 2018 have been filed by similarly situated persons and in those two cases this Hon'ble Court had passed an order of stay and the State was directed to file counter affidavit. The petitioner prayed that his case be also treated similarly.

5. The State has filed a counter affidavit in this case. It is stated that the persons working on the post of Pharmacist were granted promotion on the first promotion post of Senior Pharmacist as per the Pharmacist Cadre (Amendment) Rules, 2017. It is further stated that the persons who have been posted for more than 10 years have been transferred from one place to another place vide the impugned order contained in Memo No. 1184 (4) dated 29.09.2018. The transfer of the petitioner has been defended as according to the respondents, the post of



Pharmacist is a State cadre post and the person working on the said post is under obligation to work anywhere in the State of Bihar.

6. At this stage, the order passed by this Court in CWJC No. 20342 of 2018 and CWJC No. 21455 of 2018 and some other analogous cases have been placed on record. On perusal of the same would show that after hearing learned counsel for the parties, this Court passed the following order:-

“After hearing both sides, I find that since the date relates to the transfer of the petitioners and the same is pending for about two years, it is needless to keep the petitions pending here, therefore, with the consent of the parties, I dispose of these writ petitions with a direction to the Director-in-Chief, Health Services, Bihar, Patna to pass a fresh order of transfer in accordance with law keeping in view that the Pharmacists be transferred on the post of Pharmacists, Senior Pharmacists should be transferred on the post of Senior Pharmacists and Senior Chief Pharmacists should be transferred on the post of Senior Chief Pharmacists within three months.

In the meantime, the respondents are directed to make payments of salary to the petitioners, who are working, as it is submitted that many of them have also retired, within three months from the date of receipt of this order.”

7. This Court finds from the perusal of the records so far as the present case is concerned, there was no order of stay.



This Court has been informed that the petitioner had already joined at the transferred place. Almost 5 years are going to expire thereafter, therefore, at this stage, this writ application has lost its significance. It is dismissed.

(Rajeev Ranjan Prasad, J)

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