

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6572 of 2023**

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Malti Kumari wife of Shailendra Kumar, resident of Mohalla - Jagdeo Path,  
Niti Bag, Flat no. 301, Saryug Vatika, Police Station Rupaspur District -  
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,  
New Secretariat (Vikas Bhawan), Patna.
2. The Director-in-Chief, Health Services, New Secretariat (Vikas Bhawan),  
Patna.
3. The Regional Deputy Director, Health Services, Patna Division, Patna.
4. The Civil Surgeon-cum-Chief Medical Officer, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr. Aditya Nath Jha, Advocate       |
| For the Respondent/s | : | Mr. Nagendra Pd. Yadav (SC-23)      |
|                      |   | Mr. Sudhir Kumar Singh, AC to SC-23 |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      15-06-2023                      Heard Mr. Aditya Nath Jha, learned counsel  
  
appearing on behalf of the petitioner and Mr. Nagendra Pd.  
  
Yadav, learned SC-23 for the respondent/s.

2. Learned counsel appearing on behalf of the  
petitioner submitted that earlier the petitioner was transferred  
from Griyak, Nalanda to State Dispensary, New Secretariat,  
Vikas Bhawan, Patna and, thereafter, she was transferred outside  
the Patna Municipal Corporation. The petitioner had earlier  
made a representation and when no action was taken, the  
petitioner was forced to file CWJC No. 15393 of 2019. This  
Court, after considering the circular of the State Government



dated 06.10.1967, had found it practical to post the petitioner where her husband was posted. The petitioner has been performing her duty at Patna High Court Dispensary on deputation. The petitioner has again come before this Court on the basis that she has been informed that she may be given permanent posting at Patna High Court Dispensary in anticipation of the fact that an employee is going to be retired on 30.04.2023. Learned counsel submits that taking into consideration all the practicability, petitioner deserves to be posted on permanent post at the Patna High Court Dispensary.

3. Considering the aforesaid fact as well as the circular of the Government that such employee should as far as practicable be posted at the place where her husband is posted, Civil Surgeon, Patna may consider the plight of the petitioner that she may be posted on the permanent post on the sanctioned post of A.N.M. at Patna High Court Dispensary.

4. Petitioner has already filed a detailed representation dated 23.02.2023 as contained in 'Annexure-13' and if so advised, she may file a detailed representation bringing on record the details of the chain circumstances which have been anticipated by the petitioner.

5. The Civil Surgeon, Patna is directed to consider the



representation of the petitioner and must also take into account the fact that earlier also similar order was passed in favour of the petitioner by this Court vide order dated 22.04.2008 passed in CWJC No. 6431 of 2008. Subsequent to the same, this Court had passed specific order in the case of the petitioner in CWJC No. 15393 of 2019 on 02.08.2019.

6. The Civil Surgeon, Patna must also taken into account the circular which is practically followed by the State Government in case similar to the present case of the petitioner where she has requested for her permanent posting at the place where her husband is posted for all practical purposes.

7. With above observation and direction, the present writ petition is disposed of.

**(Purnendu Singh, J)**

Niraj/-

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